



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under  
article 9 of the Convention**

**Combined initial and second to fifth periodic reports  
submitted under article 9 of the Convention due  
in 2003, 2005, 2007, 2009 and 2011**

**Honduras\***

[28 December 2012]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## **I. Introduction**

1. The Republic of Honduras is a sovereign State based on the rule of law, constituted as a free, democratic and independent republic. Its form of government is republican, democratic and representative. There are three branches of government — legislative, executive and judicial — which are complementary and independent and none of which is subordinate to any other.

2. Honduras deposited its instrument of accession to the International Convention on the Elimination of All Forms of Racial Discrimination, which has been in force since 4 January 1969, with the Secretary-General of the United Nations on 10 October 2002. It was adopted by the National Congress of the Republic of Honduras pursuant to Legislative Decree No. 61-2002 of 2 April 2002, published in Official Gazette No. 29826 of 6 July 2002.

3. The Convention entered into force for Honduras on 9 November 2002; pursuant to article 9 of the Convention, Honduras is obliged to submit, within one year after the entry into force of the Convention, a report on the legislative, judicial, administrative or other measures which it has adopted and which give effect to the provisions of the Convention.

4. Honduras hereby submits, for the consideration of the Committee on the Elimination of Racial Discrimination, its initial report on the measures adopted during the period 2002–2012 to give effect to its commitments under the Convention, which was due on 9 November 2003.

5. The present report has been prepared in accordance with the guidelines established by the Committee for the submission of initial and periodic reports. The process of preparing the present report was coordinated by the Ministry of Justice and Human Rights through the Directorate-General of International Commitments; the report was prepared by a working group which enabled broad participation by representatives of the three branches of government, civil society organizations working on issues relating to the rights of indigenous and Afro-Honduran peoples, representatives of those peoples and international cooperation.

6. Significant technical support was received from the Office of the Human Rights Adviser for the United Nations system in Honduras, with whom the Ministry of Justice and Human Rights conducted a training process on the submission of reports to the international human rights mechanisms, with an emphasis on the operation of the Committee on the Elimination of Racial Discrimination, which was attended by the institutions and organizations involved in the working group for the preparation of the present report.

## **II. Legal framework for the protection of the human rights of indigenous and Afro-Honduran peoples**

### **A. Constitution of the Republic**

7. Article 60 of the Constitution of the Republic of Honduras sets out the State's legal and political basis for the protection of the right to equality and against any form of discrimination, as follows:

“All men are born free and equal in rights.

“There are no privileged classes in Honduras. All Hondurans are equal before the law.

“All forms of discrimination based on sex, race, class or any other grounds prejudicial to human dignity shall be punishable.

“The law shall establish offences and penalties for those who violate this provision.”

8. In respect of the right to equality set out in the Constitution, the Constitutional Chamber of the Supreme Court has stated that:

“Equality is a principle and a right whose purpose is to order or classify persons in similar situations; once they have been classified in this way, all persons shall be subject to the same treatment before the law as their fellow human beings in the same situations. The State bestows rights and obligations such that all persons shall similarly receive equal treatment before the law. It follows from this position that equality before the law does not prevent the unequal treatment of citizens in accordance with particular circumstances or conditions, with the aim of addressing a de facto situation or achieving a particular end; such unequal treatment must be reasonable and must be the result of a legitimate differentiation under the Constitution.”<sup>1</sup>

9. Article 61 of the Constitution guarantees Hondurans and foreigners resident in the country, without discrimination of any kind, “the right to inviolability of life, individual security, liberty and equality before the law, and the right to property”.

10. In addition to those general provisions of articles 60 and 61 of the Constitution that recognize the equal rights of all persons, the Constitution also contains clauses that guarantee the right to equality and non-discrimination in relation to specific rights, such as the right to education (arts. 141 and 151), health and social security (arts. 145 and 123), work (art. 127), protection of the cultural heritage (art. 173) and the preservation and encouragement of native cultures (art. 174), among other rights granted to all persons under the Constitution.

11. Specifically, in relation to the rights of indigenous peoples, in addition to the individual rights guaranteed to inhabitants under the Constitution, article 346 also establishes, as a collective right, that: “It is the duty of the State to adopt measures to protect the rights and interests of the indigenous communities present in the country, especially the lands and forests where they are settled.”

## **B. Secondary legislation**

### **1. The Criminal Code**

12. Article 60 of the Constitution states that all forms of discrimination based on sex, race, class or any other grounds prejudicial to human dignity shall be punishable. The Criminal Code sets out this rule in article 321, which establishes the offence of discrimination in a generic manner, imposing a penalty of imprisonment and a fine, as follows:

“Anyone who subjects another person to discrimination based on sex, race, age, class, religion, party or political affiliation, disability or any other grounds prejudicial to human dignity shall be punished with imprisonment for three to five years and a fine of 30,000 to 50,000 lempiras. Where the perpetrator is a foreigner,

<sup>1</sup> Administrative amparo appeal judgement, combined cases 530, 536, 537, 538, 539-2009 of 17 August 2010 against Executive Decision No. STSS-374-2008, preamble 12.

he or she shall be expelled from the national territory once the sentence has been served.”

13. The offence of discrimination currently set out in the Criminal Code does not meet the requirements for the definition of discrimination under article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, which defines discrimination as “any distinction, exclusion, restriction or preference”; this is not spelled out in the Criminal Code, which makes a generic reference to the term “discrimination”, without providing the courts with the information necessary to determine its existence in a specific case.

14. The Convention states that discrimination may be based on “race, colour, descent, or national or ethnic origin” and has “the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”. This breadth of grounds is also not covered by the current offence of discrimination under article 321 of the Criminal Code, since that article attributes liability to “anyone who subjects another person to discrimination based on sex, race, age, class, religion, party or political affiliation, disability or any other grounds prejudicial to human dignity”.

15. In order to remedy the shortcomings of Honduran criminal law in relation to discrimination and highlight the fact that indigenous and Afro-Honduran peoples may be victims of discrimination, the Ministry of Justice and Human Rights, in conjunction with civil society organizations, has prepared and submitted to the National Congress of the Republic a preliminary bill to amend article 321 of the Criminal Code establishing the offence of discrimination, which would read as follows:

“Anyone who arbitrarily and illegally obstructs, restricts, diminishes, impedes or nullifies the exercise of individual or collective rights on the grounds of sex, gender, age, sexual orientation, gender identity, political opinion, civil status, membership of indigenous or Afro-Honduran peoples, language, nationality, religion, family background, financial or social status, different abilities or disability, health status, physical appearance or any other grounds prejudicial to the human dignity of the victim shall be punished with imprisonment for three to five years and a fine of 30,000 to 50,000 lempiras.

“The penalty shall be increased by one third where the act is committed with violence. Where the act is committed by a public official or employee in the discharge of his or her duties or where the act is a repeat offence, the public official or employee shall also be punished with special disqualification for a period equivalent to double the term of imprisonment. Where the perpetrator is a foreigner, he or she shall be expelled from the national territory once the sentence has been served.”

16. The criminalization of genocide pursuant to article 319 of the Criminal Code also contributes to efforts to eliminate all forms of racial discrimination, as set out below:

“A penalty of 16 to 20 years’ imprisonment and absolute disqualification for the same period shall be imposed on anyone who, with intent to destroy, in whole or in part, a national, ethnic or religious group, carries out any of the following acts:

- “1) Kills any member of the group;
- “2) Causes serious bodily or mental harm to any member of the group;
- “3) Inflicts on the group conditions of life likely to bring about its physical destruction or to cause it serious moral harm;

“4) Adopts measures intended to prevent the birth of children within the group; or

“5) Forcibly transfers minors under 18 years of age from one group to another.

“The term of imprisonment shall be at least 20 years where the perpetrators of the crime of genocide are civil or military public officials or employees.

“Incitement and conspiracy shall be punished with imprisonment of 8 to 12 years; direct incitement shall be punished with the penalty applicable to the perpetrator and indirect incitement shall be punished with imprisonment of five to eight years.”

17. In addition to the aforementioned offences, the Ministry of Justice and Human Rights has put forward an amendment relating to the offence of murder, under which the basic offence of homicide would become murder where committed with the aggravating circumstance of “hatred or contempt based on the victim’s sex, gender, religion, ethnic origin, indigenous or Afro-Honduran identity, sexual orientation or gender identity, age, civil status or disability, ideology or political opinion. The penalty for murder shall be imprisonment for 20 to 30 years and, where the offence is committed for payment, reward or the promise of remuneration or is accompanied by robbery or rape, the penalty shall be imprisonment for a term of 30 years up to life imprisonment”. This draft amendment<sup>2</sup> also highlights the fact that indigenous and Afro-Honduran people may be victims of discrimination.

## 2. The Labour Code

18. Article 12 of the Honduran Labour Code punishes discrimination in the field of employment: “Discrimination based on race, religion, political beliefs or financial situation, in social assistance, educational, cultural, entertainment or commercial establishments that operate for general use or benefit in enterprises or workplaces, whether privately owned or belonging to the State, shall be prohibited. The social position of workers or the access they may have to the establishments referred to in this article may not be dependent on the amount of their wages or the importance of the duties they discharge.”

## 3. The Code on Childhood and Adolescence

19. The Code on Childhood and Adolescence does not refer specifically to differential treatment that should be accorded to indigenous and Afro-Honduran children. However, it establishes the State’s obligation to take account of the prevailing conventions and customs in children’s social and cultural environment. In addition, article 11 establishes the fundamental rights enjoyed by children, including, of course, indigenous and Afro-Honduran children: “the right to life, health, social security, dignity, personal liberty, the right to express their opinions, the right to nationality, identity, their name and their own image, education, culture, sport, recreation and free time, the environment and natural resources, family, and other rights set out in the Convention on the Rights of the Child”.

20. Article 50 of the Code establishes the right of children to respect for their cultural forms, to which end subparagraph (c) provides that, among other actions, “the media shall be encouraged to produce and broadcast programmes of social and cultural interest that meet children’s linguistic needs, in particular for those who belong to indigenous ethnic groups and the Garífuna”.

<sup>2</sup> The Ministry of Justice and Human Rights, in conjunction with civil society organizations, has prepared and submitted to the National Congress of the Republic a preliminary bill to amend article 117 of the Criminal Code, which sets out aggravating circumstances relating to the crime of murder.

**4. The Code of Civil Procedure**

21. Article 5 of the Code of Civil Procedure recognizes equality as one of its principles, establishing that “the parties to proceedings shall be equal, having the same rights, obligations, duties and opportunities, in accordance with their procedural position. The court shall be obliged to preserve the equality of parties to proceedings and to avoid any form of discrimination against or among them based on sex, race, religion, language or social, political, financial or other status”.

**5. The Elections and Political Organizations Act**

22. With regard to elections, article 103 of the Elections and Political Organizations Act recognizes the principle of equal opportunities and in particular the State’s obligation to ensure women’s participation on an equal footing, stating that:

“The State shall guarantee participatory democracy and the full exercise of civil rights for both men and women, on the basis of equal opportunities.

“Political parties shall create the material conditions for the proper integration of women into all aspects of party life.”

23. Similarly, article 104 guarantees non-discrimination, establishing that:

“The State, through the Supreme Electoral Tribunal, shall ensure that, within the governance structures of political parties and among candidates for elected office, there is no discrimination based on gender, creed, race or religion, or any other form of discrimination.

“In order to ensure that there is no gender-based discrimination, political parties shall, with the participation of women, adopt internal policies on gender equity, the implementation of which shall be overseen by the Supreme Electoral Tribunal. Political parties shall be obliged to report to the Tribunal on the implementation of gender equity policy six months before internal or primary elections are called.”

24. In order to ensure implementation of the right to genuine equality for women with regard to political participation, article 81 of the Equal Opportunities for Women Act, adopted in 2000, states that, in order gradually to achieve effective participation by women, a base of 30 per cent will be established with a view to eventually achieving equity between men and women; recently, on 19 April 2012, the National Congress of the Republic adopted a Legislative Decree ordering that 40 per cent of elected offices should be reserved for women in the primary elections of 2012 and the general elections of 2013, and 50 per cent of all elected offices from 2016.

**6. The Public Prosecution Service Act**

25. Article 1 of the Public Prosecution Service Act provides that the Service is a specialized professional organization, free of any political or sectarian interference and functionally independent of State powers and entities; under paragraph 6 of the article it is responsible for:

“Collaborating in the protection of the environment, the ecosystem and ethnic minorities, and the preservation of the archaeological and cultural heritage and other collective interests.”

26. Under article 16, paragraph 15, of the Act, the responsibilities of the Public Prosecution Service include that of bringing legal action under the laws for the protection of indigenous tribes and other ethnic groups.



27. Under article 56 of the Public Prosecution Service Act, “responsibilities relating to the protection of the ecosystem, the environment, consumers, ethnic groups, national assets, the archaeological and cultural heritage and other public and social interests shall be fulfilled by the Attorney-General of the Republic directly or by special administrative units or officials appointed by him or her for that purpose pursuant to a duly reasoned decision”.

28. Specifically, within the Public Prosecution Service there is an Office of the Special Prosecutor for Ethnic Groups and the Cultural Heritage, which is responsible for the protection of ethnic groups; this will be referred to in more detail later.

## **7. The Basic Education Act**

29. The Basic Education Act, which has been in force since 22 February 2012, establishes the objective of eliminating discrimination against any person in the field of education; it makes non-discrimination a cross-cutting principle of the Act and makes the other principles set out in the Act integral to that principle. In addition, the principle of equity and inclusion encompasses attention to special educational needs and cultural, linguistic, social and individual diversity as key elements of development that guarantee access to education for all with the compensatory measures necessary to achieve equal opportunities, without discrimination of any kind. Similarly, the principle of democracy is based on full respect for human rights, freedom of conscience, thought and opinion, full exercise of citizenship and universal values, recognition of the will of the people, mutual tolerance in relations between persons and between majority and minority groups, and strengthening of the rule of law.

30. Lastly, in accordance with the principle of multiculturalism and interculturalism, the country’s different cultural and ethnic idiosyncrasies and identities, its linguistic diversity and its practices and customs are recognized, respected and encouraged; this diversity is regarded as an asset, and the integration of mutual knowledge and the harmonious coexistence of the peoples that make up Honduran society are promoted, along with efforts to preserve their languages and promote their development and use.

## **8. The Cultural Heritage Protection Act**

31. The purpose of the Cultural Heritage Protection Act, pursuant to its article 1, is to “defend, conserve, reclaim, rescue, restore, protect, research, publicize and expand the assets that make up the nation’s cultural heritage, found throughout the national territory and in Honduran territorial waters, and pass them on to future generations”.

32. In addition, article 9 prohibits organizations of any kind from diminishing the traditional culture of indigenous communities by impeding or taking coercive action against the celebration of their periodic festivals and indigenous rituals and other cultural events.

## **9. Other decrees that protect rights**

33. Listed below are a number of legislative and executive decrees relevant to addressing the vulnerable situation of indigenous and Afro-Honduran peoples:

- (a) The Property Act (see the section on the right to land);
- (b) The Framework Act on Water and Sanitation;
- (c) The Forests, Protected Areas and Wildlife Act;
- (d) The Health Code;
- (e) Legislative Decree No. 330-2002 declaring the month of April African Heritage Month in Honduras;

- (f) Creation of the African Heritage Month National Award, in five categories, pursuant to Executive Decree No. 04-2006;
- (g) Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination pursuant to Legislative Decree No. 61-2002;
- (h) Establishment of the National Commission against Racism in Honduras pursuant to Executive Decree No. 002-2004;
- (i) Adoption of Executive Decree No. 09-2007 for the benefit and support of the Afro-Honduran population, which provides for the implementation of measures aimed at promoting their economic, political, social, cultural and environmental development;
- (j) Establishment of the Ministry for Indigenous and Afro-Honduran Peoples pursuant to Legislative Decree No. 203-2010;
- (k) Adoption of Legislative Decree No. 70-96, which declared 1997 the Garífuna Bicentenary and 12 April each year from that year onwards the Day of Afro-Hondurans in Honduras; and
- (l) Executive Decree No. PCM-003-2011, which provided for the celebration in Honduras of the International Year for People of African Descent in 2011, among others.

34. Some of the laws that emphasize the validity of the principle of equality and the elimination of discrimination on any grounds are the Public Education Code (1947); the Equal Opportunities for Women Act; the Special Act on HIV/AIDS; the Act on Equity and Comprehensive Development for Persons with Disabilities; the Agricultural Sector Modernization and Development Act; and others that will serve as a regulatory framework depending on the issue being addressed in the present report.

### **C. Applicability in Honduras of the International Convention on the Elimination of All Forms of Racial Discrimination and other international human rights instruments**

35. Article 15 of the Constitution of the Republic of Honduras “endorses the principles and practices of international law that promote human solidarity, respect for the self-determination of peoples, non-intervention and the consolidation of universal peace and democracy”, which is sufficient to accommodate many sources of obligations under international law that give effect to such principles and practices, such as international treaties (agreements, conventions, covenants and optional protocols), customary rules or international custom, general principles of law, and the decisions and judgements of international courts.

36. Specifically with regard to treaty obligations, the Constitution of the Republic specifies their normative value and status in the Honduran legal system. Article 16, second paragraph, establishes that “international treaties concluded by Honduras with other States, once they enter into force, shall form part of domestic law”, and article 18 provides that “in the event of a conflict between the treaty or convention and the law, the former shall prevail”; hence the International Convention on the Elimination of All Forms of Racial Discrimination, since its ratification, has been part of the domestic law of Honduras with a status higher than that of other national laws.

37. With regard to the specific scope of international treaties on human rights protection, the Honduran legal system gives effect to the constitutional provision under which the Constitution of the Republic and the treaty in question are granted the same status. Thus article 41 of the Constitutional Justice Act provides: “The State shall recognize the guarantee of amparo. Consequently, any aggrieved person or anyone acting on such

person's behalf shall be entitled to lodge an application for amparo: 1. In order to maintain or restore the enjoyment of the rights or guarantees established by the Constitution, treaties, conventions and other international instruments." From this it may readily be inferred that, in the Honduran legal system, the rights set out in the Convention have a status comparable to that of the rights enshrined in the Constitution of the Republic.

#### **D. International instruments (conventions and treaties)**

38. Honduras is a party to, or is in the process of signing, most of the international human rights instruments that have been concluded, in both the universal system and the inter-American system of human rights protection.

39. Under the Constitution, these instruments form part of domestic law and, with regard to the implementation of the Convention, constitute legislative measures for facilitating the elimination of all forms of racial discrimination; they are also rules that give effect to the basic rights of indigenous and Afro-Honduran peoples and other groups vulnerable to racial discrimination.

40. In order to address specifically the issue of indigenous and Afro-Honduran peoples in the areas covered by the Convention, a list of important international legal instruments to which Honduras is a high contracting party is set out below:

- (a) The Convention on the Elimination of All Forms of Discrimination against Women (1979);
- (b) The American Convention on Human Rights (Pact of San José, Costa Rica);
- (c) The Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador);
- (d) The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará);
- (e) The International Covenant on Civil and Political Rights;
- (f) The Optional Protocol to the International Covenant on Civil and Political Rights;
- (g) The Second Optional Protocol to the International Covenant on Civil and Political Rights;
- (h) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990);
- (i) The Convention on the Rights of the Child (1989);
- (j) The Convention on the Rights of Persons with Disabilities;
- (k) The Convention on the Prevention and Punishment of the Crime of Genocide;
- (l) The International Convention on the Suppression and Punishment of the Crime of Apartheid;
- (m) The Agreement Establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean;
- (n) The Convention relating to the Status of Stateless Persons;
- (o) The Convention on the Reduction of Statelessness;

- (p) The Convention relating to the Status of Refugees;
- (q) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- (r) The International Convention for the Suppression of the Financing of Terrorism;
- (s) The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;
- (t) The Convention on the Protection and Promotion of the Diversity of Cultural Expressions;
- (u) The Convention concerning the Protection of the World Cultural and Natural Heritage;
- (v) The Convention for the Safeguarding of the Intangible Cultural Heritage; and
- (w) The Rome Statute of the International Criminal Court (1998).

## **E. Extraterritorial jurisdiction over serious violations of international humanitarian law**

41. Article 5 of the Honduran Criminal Code stipulates that “the Honduran courts shall also be competent to try offences committed abroad, where the accused is in Honduras and in any of the following circumstances: [...] 5. Where, pursuant to international agreements [to] which Honduras is a party, the offence is subject to Honduran criminal law for reasons other than those mentioned in the foregoing paragraphs or seriously violates universally recognized human rights. Preference shall be given, however, to the claim of the State in whose territory the punishable act was committed, provided that the claim is asserted before the relevant criminal case is brought before the competent Honduran court”.

42. As can be seen, the above provision gives effect to the universal principle of universal criminal justice as a consequence of serious human rights violations.

43. Since the ratification of the Rome Statute of the International Criminal Court in 2002, Honduras has recognized the crime of genocide and crimes against humanity as acts prohibited under international law and under its domestic law: both may derive from acts prohibited under the International Convention on the Elimination of All Forms of Racial Discrimination, acts that are punishable under the Rome Statute of the International Criminal Court and various other types of criminal offence.

### **1. Genocide (art. 6 of the Rome Statute)**

44. For the purpose of the Rome Statute, “genocide” means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

## 2. Crimes against humanity (art. 7)

45. For the purpose of the Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or community on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

## F. Extradition

46. Honduras recognizes extradition as a mechanism for preventing impunity for serious unlawful acts, including acts prohibited under the International Convention on the Elimination of All Forms of Racial Discrimination, and has recently adopted amendments to the Constitution of the Republic in this regard.

47. The current Political Constitution of the Republic of Honduras dates from 1982; it originally established limits on extradition in title III (Declarations, rights and guarantees), chapter II (Individual rights):

(a) Article 101, third paragraph: “The State shall not authorize the extradition of persons accused of political or related offences.” In itself, this provision does not, in principle, prevent punishment of the acts prohibited under the Convention.

(b) Article 102: “No Honduran may be expatriated or handed over by the authorities to a foreign State.”

48. However, on 25 January 2012, the National Congress of the Republic ratified in the second legislature an amendment adding the following words to article 102 of the Constitution of the Republic: “expatriation may take place in cases of drug trafficking and related crimes, organized crime and terrorism. It shall not apply to political offences or related ordinary offences”.

49. It also established that, in order to give effect to extradition, the State of Honduras would have to “establish agreements with each country with which it wished to provide for the possibility of extradition”. No constitutional amendment has yet provided for cases of

extradition of Hondurans where a multilateral treaty such as the Rome Statute of the International Criminal Court applies, which may result in difficulties where the Court requests the extradition of a Honduran national who has committed acts of racial discrimination that also constitute the crime of genocide or crimes against humanity referred to above.

50. With regard to the secondary legislation of Honduras, the extradition of Hondurans is prohibited under article 10 of the Criminal Code, set out below. However, in the light of the aforementioned constitutional amendment, this article will need to be amended in order to enable the extradition of Hondurans in cases authorized by the Constitution.

“Under no circumstances may Hondurans who have committed an offence abroad and who are situated in the national territory be extradited. Foreigners may be extradited only pursuant to the law or to a treaty for ordinary offences that carry a penalty of at least one year of imprisonment, and never for political offences, even if they result in an ordinary offence.”

51. Article 150 of the Code of Criminal Procedure states: “The extradition of accused or convicted persons shall be governed by the international treaties [to] which Honduras is a party and by national laws.”

52. Requests submitted by or sent to foreign courts shall be handled through diplomatic channels. In exceptional cases, a judge may take such steps in another State as are authorized by that State (art. 149 of the Code of Criminal Procedure).

53. Honduras has signed a number of bilateral extradition agreements with other States. The following model is used for the receipt of extradition requests: the requesting country submits the request through diplomatic channels. The Ministry of Foreign Affairs forwards it to the relevant ministry, which forwards it to the Supreme Court of Justice. Once the request has been reviewed and the administration has been instructed to enforce it, the documentation is returned to the requesting State through the same channels through which it was received.

54. Below are some examples of treaties in force that can now, following the constitutional amendment, be incorporated into Honduran domestic law:

(a) Extradition treaty between the Kingdom of Spain and the Republic of Honduras, done *ad referendum* at Tegucigalpa on 13 November 1999;

(b) Treaty on mutual legal assistance between Honduras and Brazil, 7 August 2007;

(c) Treaty on extradition and fugitives from justice between Honduras and the United States of America, 10 July 1912; and

(d) Treaty on mutual legal assistance between Mexico and Honduras, 24 March 2004.

55. These treaties may be used in the event of acts contrary to the Protocol; however, given the development of international organized crime of various types, including trafficking in persons and the commercial sexual exploitation of children, adolescents and women, Honduras and other States should revise their procedural provisions so as to facilitate mutual assistance and international cooperation with regard to extradition, prevent impunity for this type of unlawful act and ensure respect for human rights.

### **III. System of protection of the human rights of indigenous and Afro-Honduran peoples**

#### **A. Honduran Judiciary**

56. The Honduran Judiciary is constitutionally and legally responsible for dispensing justice, applying the law in specific cases, adjudicating and enforcing judgements. It is made up of the Supreme Court of Justice, the appeal courts, the lower courts, and other offices established by law.

57. In accordance with their respective competences and jurisdiction, the various entities that make up the Judiciary serve as mechanisms for the protection of the rights of indigenous and Afro-Honduran peoples. However, with regard to the protection of individual rights, the Constitutional Chamber of the Supreme Court of Justice is responsible for applying constitutional justice, that is, hearing actions for a writ of habeas data, applications for amparo and actions of unconstitutionality.

##### **1. Remedy of amparo**

58. Article 183 of the Constitution of the Republic of Honduras recognizes the guarantee of amparo, and consequently any aggrieved person or anyone acting on such person's behalf is entitled to lodge an application for amparo in the following cases:

(a) In order to maintain or restore the enjoyment of the rights or guarantees established by the Constitution; and

(b) In order to secure a declaration in specific cases that a regulation, deed, act or decision of an authority is not binding on the appellant and may not be used to violate, diminish or distort any of the rights recognized under the Constitution.<sup>3</sup>

59. Articles 41 and 56 of the Constitutional Justice Act give effect to the aforementioned constitutional rule, guaranteeing the right to lodge an application for amparo in order to maintain or restore the enjoyment of the rights or guarantees established by the Constitution of the Republic, treaties, conventions or other international instruments or in order to secure a declaration in specific cases that a regulation, deed, act or decision of an authority is not binding on the appellant and may not be used to violate, diminish or distort any of the rights recognized under the Constitution of the Republic.

60. Under the regulation of the remedy of amparo pursuant to the Constitutional Justice Act, it can be established, first, that the rights set out in the International Convention on the Elimination of All Forms of Racial Discrimination have a status in the Honduran legal system comparable to that of the rights enshrined in the Constitution of the Republic and, second, that it is not necessary for international treaties to be given effect under secondary laws or domestic administrative regulations in order for complaints of violations of such treaties to be lodged, since, pursuant to article 15 of the Constitution, once ratified they form part of the domestic law of Honduras.

##### **2. Action of unconstitutionality**

61. The principle of non-discrimination against any person in the law is the legal embodiment of article 60 of the Constitution of the Republic, which establishes equality before the law. This provision thus enables any person to appeal against laws that result in

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<sup>3</sup> Article 183, paragraph 2, amended pursuant to Decree No. 381-2005 of 20 January 2006, published in Official Gazette No. 30920 of 4 February 2006.

racial discrimination of any kind; to that end, actions of unconstitutionality are provided for in articles 184, 185 and 316, last paragraph, of the Constitution of the Republic and in articles 74 to 94 of the Constitutional Justice Act, which state that laws may be declared unconstitutional in form or in substance, that the Supreme Court of Justice is the sole authority competent to hear such cases and that its rulings are final.

62. Anyone who considers that his or her direct, personal and legitimate interests have been harmed may request a declaration of unconstitutionality and inapplicability of a law: (a) by bringing legal action before the Supreme Court of Justice; (b) by raising a procedural plea in any judicial proceedings, and (c) in addition, the court hearing any judicial proceedings may, *ex officio*, request that a law be declared unconstitutional and repealed before handing down a judgement. Judgements in which a law is declared unconstitutional shall be immediately enforceable and of general application and shall therefore have the effect of repealing the unconstitutional law; this shall be communicated to the National Congress, which shall have it published in the Official Gazette.

## **B. Office of the Special Prosecutor for Ethnic Groups and the Cultural Heritage in the Public Prosecution Service**

63. The protection of the country's indigenous and Afro-Honduran peoples and of the nation's cultural heritage is one of the main tasks carried out by the Public Prosecution Service through the Office of the Special Prosecutor for Ethnic Groups and the Cultural Heritage. The Office of the Special Prosecutor carries out investigations, following which the relevant criminal proceedings are brought for the following offences, *inter alia*:

- Aggravated assault;
- Encroachment;
- Abuse of authority and breach of the duties of officials;
- Discrimination;
- Damage to the nation's cultural heritage;
- Homicide;
- Misappropriation; and
- Unlawful detention.

64. Specifically in relation to cases of racial discrimination against indigenous and Afro-Honduran people, the Office of the Special Prosecutor for Ethnic Groups and the Cultural Heritage received and processed 44 complaints against public officials and particular individuals between 2000 and 2012.

## **C. National Commissioner for Human Rights (CONADEH)**

65. The National Commissioner for Human Rights is an institution established pursuant to Legislative Decree No. 2-95 of the National Congress of the Republic under an amendment to article 59 of the Constitution for the purpose of guaranteeing respect for the rights and freedoms recognized in the Constitution and in the international treaties and conventions ratified by Honduras.

66. The Commissioner's mandate includes giving immediate attention to and following up any complaint of a violation of human rights and ensuring that the acts and decisions of the public administration are consistent with the content of international human rights



treaties, conventions and agreements. The Commissioner is authorized to have direct recourse to any public official and to any agencies or institutions and their heads, who are obliged to respond to the petitions and requests addressed to them.

67. In the performance of his or her duties, the National Commissioner for Human Rights has free access to all civilian and military establishments and places of detention, imprisonment or internment, and no objection whatsoever may be raised to such visits.

68. The central office of the National Commissioner for Human Rights is in Tegucigalpa but, since the institution has a national mandate, various regional and departmental delegations have been set up where deemed necessary under article 3 of its Organization Act. There are currently 16 regional, departmental and local offices distributed in six regional delegations (East Central, West Central, South, West, Atlantic Coast and North), nine departmental delegations (Ocotepeque, Lempira, Santa Bárbara, Yoro, Colón, Gracias a Dios, Intibucá, El Paraíso and Olancho) and a sub-delegation in the city of El Progreso, Department of Yoro. This structural arrangement makes it possible to work throughout the country, as competences can be distributed at the local level among the various regional and departmental offices.

## **D. Governmental coordination bodies for the comprehensive development of indigenous and Afro-Honduran peoples**

### **1. Background**

69. Pursuant to Legislative Decree No. 155 of 1 August 1998, Honduras established the Ministry of the Interior and Justice, now the Ministry of the Interior and Population, as the body responsible for government coordination of indigenous and Afro-Honduran affairs, which provided the framework for the establishment of the Indigenous Peoples Unit (UPA), the purpose of which is to implement, with the participation of representatives of the nine indigenous and Afro-Honduran peoples, programmes that benefit each of their communities.

### **2. Ministry for Indigenous and Afro-Honduran Peoples (SEDINAFROH)**

70. At the initiative of the President of the Republic, Porfirio Lobo Sosa, the National Congress adopted Legislative Decree No. 203-2010, published in the Official Gazette on 12 November 2010, which established the Ministry for Indigenous and Afro-Honduran Peoples, with responsibility for the formulation, coordination, implementation and evaluation of policies to promote the economic, social, cultural, academic and environmental development of the country's indigenous and Afro-Honduran peoples and communities, so as to encourage their overall identity development through programmes and projects aimed at optimizing their standard of living; promoting intercultural, multilingual and bilingual education for indigenous and Afro-Honduran peoples and communities; establishing cooperation and coordination with national and international bodies for the management of economic resources aimed at the identity development of indigenous and Afro-Honduran peoples and communities and policies aimed at racial equality; and achieving social inclusion and equity for indigenous and Afro-Honduran peoples.

71. In addition, by establishing the Ministry, the Government ensured that indigenous and Afro-Honduran peoples were involved in the Vision for the Country and in the adoption of the Plan for the Nation pursuant to Legislative Decree No. 286-2009.

72. Over a period of a year, the Ministry for Indigenous and Afro-Honduran Peoples was supporting structural actions for the defence, promotion and recognition of the human

rights of the nine indigenous and Afro-Honduran peoples (the Lenca, Miskito, Tolupán, Maya Chortí, Nahua, English-speaking Afro-Honduran, Tawahka, Pech and Garífuna peoples) in the following areas: development of production, institutional capacity-building, defence of land and territory, financial support, bilingual intercultural education, legal and technical advice, and promotion of cultural and other values, through a process supported by various civil society organizations and coordination with public bodies.

73. The Ministry for Indigenous and Afro-Honduran Peoples promotes and implements measures that are set out in a development strategy in line with its mission and vision; there is also a strategic plan setting out priorities, which will provide the basis in the future for a series of public policies relating to health, land, education, community development, citizens' participation in politics, organization, infrastructure, development of production, land and territory, protection of ancestral knowledge and prior consultation (International Labour Organization (ILO) Convention No. 169). The plan is a basic document that is adapted on an ongoing basis and takes as its starting point the systematization efforts of many community organizations, such as the Master Plan for Development of the Garífuna Communities.

### **3. Ministry of Justice and Human Rights**

74. The Ministry of Justice and Human Rights is responsible for the formulation, coordination, promotion, harmonization and implementation of public policy on human rights and the National Action Plan on Human Rights, and for advising the various organs of the Executive on the coordination, design and implementation of public policies, programmes and plans on justice and human rights; promoting capacity-building in centralized and decentralized public institutions so as to fulfil its human rights obligations in its sphere of competence; and coordinating and liaising with institutions responsible for activities aimed at promoting and protecting the rights and guarantees accorded to children, young people, women, adults, persons with disabilities, persons deprived of their liberty, indigenous and Afro-descendant peoples, and migrant workers and their families.

75. The National Action Plan on Human Rights, to which the mandate of the Ministry of Justice and Human Rights refers, arose from the commitment entered into by Honduras at the World Conference on Human Rights, held in Vienna in 1993, where States undertook to produce an action plan on human rights; hence in 2010 the Ministry began the process of designing the Primary Public Policy and the National Action Plan on Human Rights.

76. The Policy and the National Action Plan were officially presented to the President of the Republic, Porfirio Lobo Sosa, by the Ministry of Justice and Human Rights at the second National Human Rights Congress on 10 December 2012. They cover matters relating to the recognition of, respect for, promotion and protection of human rights in general and those of indigenous and Afro-Honduran peoples in particular and guarantee to give them effect, in accordance with international norms and domestic law. To that end, organizations and representatives of these peoples have been invited to consultation sessions in order to identify their needs and proposals and to validate their inclusion in the National Action Plan with a view to overcoming the situation of vulnerability in which they currently find themselves and achieving effective enjoyment of their rights.

## **IV. Protection of and assistance to migrants**

77. Articles 31 to 35 of the Constitution of the Republic of Honduras provide that foreigners enjoy the same civil rights as Hondurans and also establish the validity of certain restrictions and limitations established by law on substantiated grounds of public policy, security or social interest.

78. In addition, article 11 of the Migration and Foreign Nationals Act establishes that foreigners have the same rights and obligations as Hondurans, subject only to those restrictions established by the Political Constitution; for example, they are not entitled to stand for elected office or to vote.

79. The Migration and Foreign Nationals Act classifies migrants into two categories: non-resident and resident. The first category refers to foreigners who enter the country for the purposes of tourism, business, sport, conferences, health, public performances, official missions or other similar purposes, and who are authorized to stay in the country on a temporary basis.

80. With regard to the second category, article 21 of the Act establishes that resident migrants may fall into the following groups: (a) persons of independent means; (b) pensioners; (c) investors; (d) the spouse, minor or adult children, dependants or parents of the persons mentioned in (a)-(c); (e) foreigners married to a person who is Honduran by birth; (f) foreigners who are parents of children who are Honduran by birth and the adult or minor siblings and grandparents of such children; (g) foreigners who acquire the right of permanent residency in the country, having stayed legally or with special permission to stay for a minimum period of five years and who have complied with Honduran law; and (h) those not covered by (a)-(g) but whose presence in duly justified cases has been authorized by the Ministry of the Interior and Population.

81. Another protection provided to foreigners is special permission to stay in the country, which may be granted for up to five years where warranted, for example in the case of (a) students at any level of the national education system; (b) refugees and stateless persons; (c) asylum-seekers; (d) migrant workers; (e) foreigners in social services; (f) members of religious orders; (g) foreigners who voluntarily provide humanitarian services that benefit Honduras; (h) foreigners engaged in commercial activities or public performances; (i) foreigners contracted as temporary employees by a natural or legal person, by international organizations or by government institutions; (j) scientists, professionals, sportspeople and technical staff contracted by natural or legal persons established in Honduras; (k) entrepreneurs or management staff of Honduran or foreign commercial companies authorized to conduct commercial activities in Honduras; (l) the spouse, dependent minor children or grandparents of the persons referred to in (a)-(k); and (m) other cases deemed appropriate by the Directorate-General for Migration and Foreign Nationals on grounds of national interest or reciprocity with other States or on humanitarian grounds.

82. The staff of the Directorate-General for Migration and Foreign Nationals, including the staff of delegations and inspectors, have taken part in seminars and workshops on human rights issues, such as a basic induction course on migration management, with an emphasis on trafficking in persons and the human rights of migrants.

## **V. Indigenous and Afro-Honduran peoples**

### **A. General**

#### **1. Characteristics of the population**

83. According to the latest National Population and Housing Census conducted by the National Institute of Statistics (INE) in 2001, the population of Honduras was 6,076,885, of whom 440,332 were indigenous or Afro-Honduran. The Institute's projections reveal that the total population is currently around 8.2 million.

Population group	Total	%	%	Men		Women	
				Total	%	Total	%
<b>National total</b>	<b>6 076 885</b>	<b>100</b>	<b>100</b>	<b>3 008 783</b>	<b>49.51</b>	<b>3 068 102</b>	<b>50.49</b>
Garífuna	46 448	0.76	100	21 712	46.74	24 736	53.26
Negro Inglés	12 370	0.20	100	6 198	50.11	6 172	49.39
Tolupán	9 617	0.16	100	4 942	51.39	4 645	48.30
Pech	3 848	0.06	100	1 861	48.36	1 987	51.64
Miskito	51 607	0.85	100	25 099	48.63	26 508	51.37
Lenca	279 507	4.60	100	140 970	50.44	138 537	49.56
Tawahka	2 463	0.04	100	1,245	50.55	1 218	49.45
Maya Chortí	34 463	0.57	100	17 570	51.00	16 883	49.00
Other	5 636 672	92.75	100	2 789 186	49.48	2 841 386	50.52

Source: Sixteenth Population Census and fifth Housing Census, 2001.

84. The confederations and federations of indigenous and Afro-Honduran peoples never accepted the figures generated by the Census regarding the total population of each of the peoples in question because they considered them to be significantly lower than the actual figures as a proportion of the total national population. Thus, in 2007, in search of a tool that would produce figures close to the total population that they represent, they conducted a self-census of indigenous and Afro-Honduran peoples.

85. According to the self-census, 20 per cent of the population was indigenous or Afro-Honduran in 2007 — in absolute terms, 1.5 million out of 7.6 million Hondurans. It is estimated that 1.2 million of them (16 per cent) currently live on their traditional lands in rural areas, while 300,000 live in urban areas, having migrated in pursuit of a better standard of living. These latest estimates are also based on calculations done by these peoples' own federations.

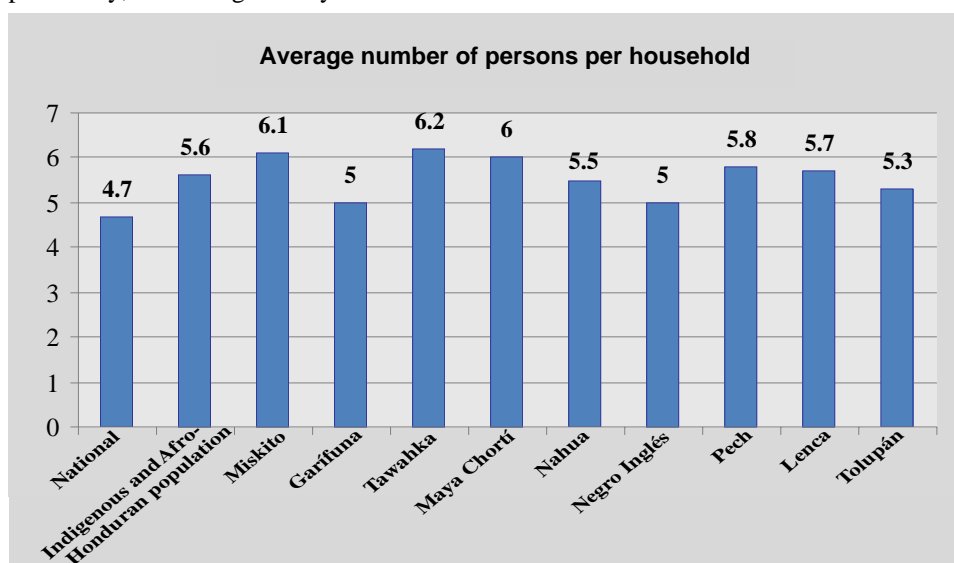
86. According to the estimates of the Latin American and Caribbean Demographic Centre (CELADE) and the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, the indigenous population of Honduras in 2008 was 855,886, which represents 11.2 per cent of the total population of the country in that year, the vast majority of whom (84.6 per cent) were situated in rural areas.

Geographical area	Total		Women		Men	
	No.	%	No.	%	No.	%
National	855 876	100	429 088	100	426 788	100
Urban	131 520	15.4	69 750	16.2	61 770	14.5
Rural	724 366	84.6	359 338	83.7	365 028	85.5

Source: CELADE and Indigenous Fund (2008).

87. *Family size:* Family size and the sex of the head of the household frequently have implications for family well-being, since they may influence the capacity of a household to cover its members' needs. A significant characteristic of the indigenous and Afro-Honduran population is that they have larger families than the rest of the population.

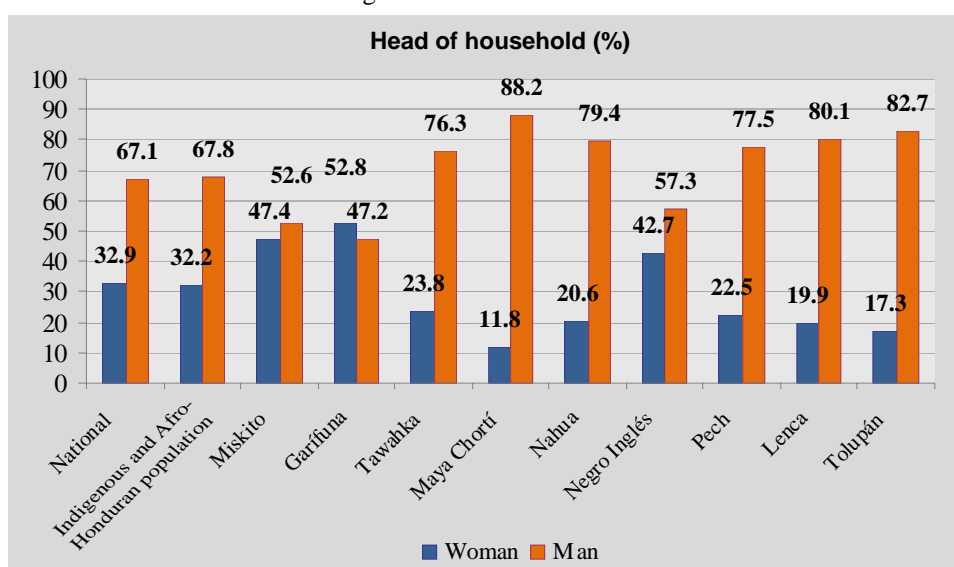
88. According to survey data, the average household size for these peoples is 5.6 persons, compared to a national average of 4.7. In the case of the Miskito and Tawahka specifically, the average family size is more than six.



Source: State Survey of Indigenous and Afro-Honduran Children, 2011.

National figure: National Institute of Statistics. 41st Multi-purpose Household Survey (EPHPM), May 2011.

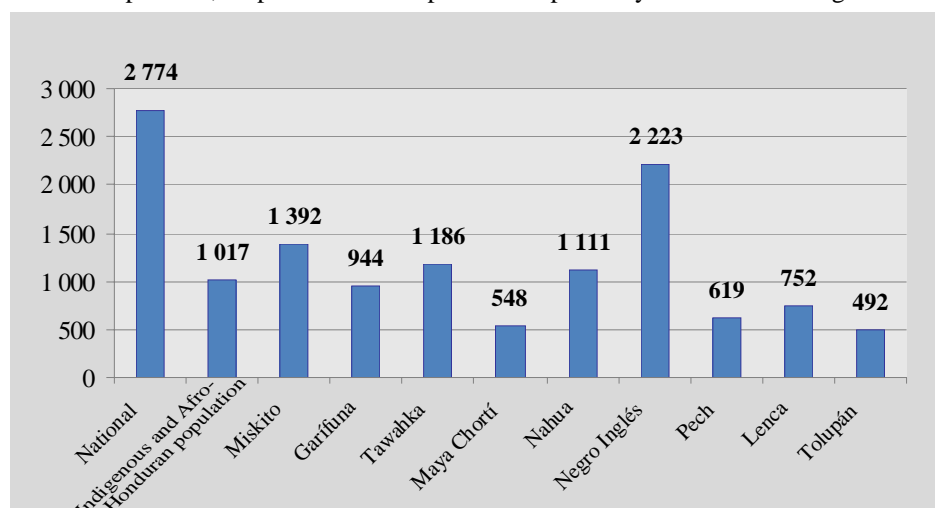
89. *Heads of household:* The survey also revealed that 67.8 per cent of indigenous and Afro-Honduran households are headed by men, a figure that is practically the same as the national average reported by the Household Survey in May 2011. Among the Miskito and Garífuna peoples, the figures fall to 53 per cent and 47 per cent respectively, and it is therefore presumed that the rate of migration abroad by men from these groups is higher than among the other indigenous and Afro-Honduran peoples. In fact, “it is thought that there is a representative Honduran Garífuna population living in the United States, some of whom are of the second and third generation”.



Source: State Survey of Indigenous and Afro-Honduran Children, 2011.

National figure: National Institute of Statistics. 41st Multi-purpose Household Survey, May 2011.

90. *Household income:* Household income is one of the indicators most commonly used for measuring welfare, although it does not take account of unequal distribution of that income among the members of a household. The data show that average per capita income among indigenous and Afro-Honduran peoples is 1,017 lempiras per month, or barely 36.7 per cent of the national figure, which is 2,774 lempiras. Individual analysis of each of these peoples shows that there are cases where the discrepancy is much greater, as in the case of the Tolupán, Maya Chortí, Pech and Lenca peoples, whose monthly per capita income is at most 18.20 per cent, 22 per cent and 27 per cent respectively of the national figure.



Source: State Survey of Indigenous and Afro-Honduran Children, 2011.

National figure: National Institute of Statistics. 41st Multi-purpose Household Survey, May 2011.

91. The reported income of English-speaking Afro-Honduran people is markedly different: their monthly per capita income is equivalent to 80 per cent of the national figure. This is probably because the island of Roatán, which is where most members of this population group live, is an urban area and because its economy is largely based on tourism.

92. All in all, the data on income set out above clearly indicate that these peoples are disadvantaged in comparison with the rest of the population of Honduras and confirm one of the main causes of their social and economic backwardness.

#### Monthly per capita income by quintile (lempiras)

Breakdown	Quintile 1	Quintile 2	Quintile 3	Quintile 4	Quintile 5
Indigenous and Afro-Honduran population	221.42	455.49	745.29	1 149.76	2 601.90
Miskito	222.07	382.81	640.26	1 184.78	3 105.26
Garífuna	237.94	513.41	754.95	1 291.44	2 155.89
Tawahka	243.32	339.83	882.58	1 009.86	2 342.16
Maya Chortí	175.08	423.70	722.89	1 006.98	1 215.41
Nahua	255.73	571.01	693.58	1 119.31	2 167.96
Negro Inglés	294.44	555.56	965.69	1 218.27	3 302.37
Pech	191.42	406.58	650.22	950.39	2 120.56
Lenca	228.73	435.95	696.79	1 104.57	1 992.60
Tolupán	233.35	421.44	752.52	1 137.64	1 575.15

Source: State Survey of Indigenous and Afro-Honduran Children.

93. In addition, although the proportion of the indigenous and Afro-Honduran population in the highest and lowest income brackets is very similar — 23 per cent and 22 per cent respectively — the per capita income of the bottom quintile is 221.42 lempiras, compared to a per capita income of 2,601.90 lempiras in the top quintile. The situation of the Maya Chortí, Tolupán and Lenca peoples is particularly worrying, since the monthly income per person even in the top quintile of these groups is less than 2,000 lempiras.

94. There is a disparity between the availability of financial resources in families in the poorest stratum of society and that of families in the wealthiest stratum arising from the sources and regularity of family income and the types of occupation in the groups in question. While the main source of income for those in the bottom quintile is self-employed work (selling home-made goods, planting their own crops, running local stores, selling food, etc.), which is poorly paid, salaried work is the main source of income for households in the top quintile.

95. *Poverty*: The measurement of monetary poverty in terms of income provides valuable information for characterizing the population's standard of living and for making public policy decisions. In order to measure poverty through income, it is necessary to determine the cost of a basic basket of foodstuffs on the basis of the monetary value of the foodstuffs.

96. According to the survey, 72 per cent of indigenous and Afro-Honduran households report monthly per capita income lower than the monthly per capita cost of the basic basket of foodstuffs, which was 1,082.90 lempiras for rural areas in 2011; these households are therefore on the extreme poverty line. The phenomenon of extreme poverty is even more widespread among the Tolupán people (93.9 per cent), the Maya Chortí (87.4 per cent) and the Pech (84.4 per cent). This contrasts with the English-speaking Afro-Honduran people, 39 per cent of whom are in extreme poverty, even lower than the national figure of 41.6 per cent.<sup>4</sup>

#### Households by poverty level (%)

Breakdown	National average	Indigenous and Afro-Honduran population									
		Miskito	Garífuna	Tawahka	Maya Chortí	Nahua	Negro Inglés	Pech	Lenca	Tolupán	
Not poor	38.1	15.6	26.0	8.7	31.3	5.8	24.2	29.5	10.7	12.1	4.0
Relative poverty	20.3	12.4	12.2	17.8	9.0	6.8	12.1	31.4	4.9	8.6	2.0
Extreme poverty	41.6	72.0	61.8	73.5	59.7	87.4	63.6	39.0	84.4	79.9	93.9

Source: State Survey of Indigenous and Afro-Honduran Children, 2011.

National figures: National Institute of Statistics. 41st Multi-purpose Household Survey, May 2011.

97. The above means that, in at least 7 in 10 households, people's energy and protein needs cannot be adequately met, which significantly compromises the children's nutrition.

98. *Sources of income*: The sources of income of the peoples in question can be grouped in five categories, as follows:

(a) Farming and stockbreeding, involving various types of crop (staple grains, vegetables, coffee-growing, extraction of liquidambar resin), and breeding and fattening of cattle, horses, pigs and chickens;

(b) Trade: classified as street vending, mainly the sale of staple grains, coffee and vegetables, most often in Lenca, Tolupán and Pech areas;

<sup>4</sup> Household Survey 2011.

(c) Stationary vending, including local stores, small clothes shops, liquor stores, cafeterias, grocery stores and others;

(d) Employment generated by government institutions (Ministries of Education, Health and Agriculture and Livestock, the Honduras Forestry Development Corporation (COHDEFOR) and the Honduran Social Investment Fund (FHIS)).

## **B. Issues relevant to the situation of indigenous and Afro-Honduran women**

99. The scarce information available on the situation and status of women from the different indigenous and Afro-Honduran groups in Honduras shows that the majority of indigenous women are engaged in agriculture, and when they migrate to the cities they enter the informal economy or carry out paid domestic labour; Afro-Honduran women engage in activities such as sewing, baking and selling *casabe* (cassava bread) and other foods.

100. The Food and Agriculture Organization of the United Nations (FAO) states that “in addition to income inequalities, the greatest poverty manifests itself in their greater responsibility for domestic tasks in the home and childcare, and in their lower decision-making capacity regarding the use of income [...] as compared with men. [...] The average age of female heads of household is higher than that of their male counterparts, especially in rural areas, where it is 50 [...]. This indicates that they are probably becoming head of the household on being widowed or separated”<sup>5</sup>.

101. According to a study of groups of indigenous and Afro-Honduran women in Honduras, the level of education of indigenous women is low; the majority of Tolupán women did not complete primary school. In addition, 65 per cent of Lenca women interviewed were illiterate.<sup>6</sup> Women from Islas de la Bahía and Garífuna women have a higher level of education: all of them have completed primary school, some have completed basic education and a few have been admitted to university.

102. Another difficulty is access to the land and its resources, since titles are in the community’s name and, in cases where they belong to an individual, they are in men’s names, whether common-law husbands, fathers or sons, who bequeath the land to their male descendants.<sup>7</sup> One of the proposals made by women’s organizations in the region is shared full ownership, where beneficial ownership of the land in community areas is registered in the name of a given couple. This proposal has been taken up and implemented by some municipalities in the Departments of Lempira and Intibucá.

103. Special organizational processes for indigenous and Afro-Honduran women have been established with the support of the Ministry of the Interior and Population; they have enabled these women to become stronger as a collective and to make specific demands with regard to their rights by becoming involved in the organization of agricultural development projects, by selling their handicraft or food products and, in the case of the many ethnic peoples involved in tourism, by providing accommodation, food services and tourist centres.

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<sup>5</sup> *Situación de las Mujeres Rurales. Honduras*, Rome, FAO, 2008, pp. 20 and 22.

<sup>6</sup> Ely Meléndez and others, *Estudio sobre núcleos de mujeres indígenas y negras en Honduras* (Study of groups of indigenous and black women in Honduras), Programme of Support for Indigenous and Black Peoples of Honduras (PAPIN), Ministry of the Interior and Justice, July 2005.

<sup>7</sup> *Ibid.*



**Proposal for the development of a public policy on gender for indigenous and Afro-Honduran peoples**

104. The lack of information on the situation and status of women in the various indigenous and Afro-Honduran groups and the lack of structured public policies to improve their standard of living have led the Ministry for the Development of Indigenous and Afro-Honduran Peoples and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) to work on a proposal for the development of a public policy on gender equity and equality for indigenous and Afro-Honduran peoples.

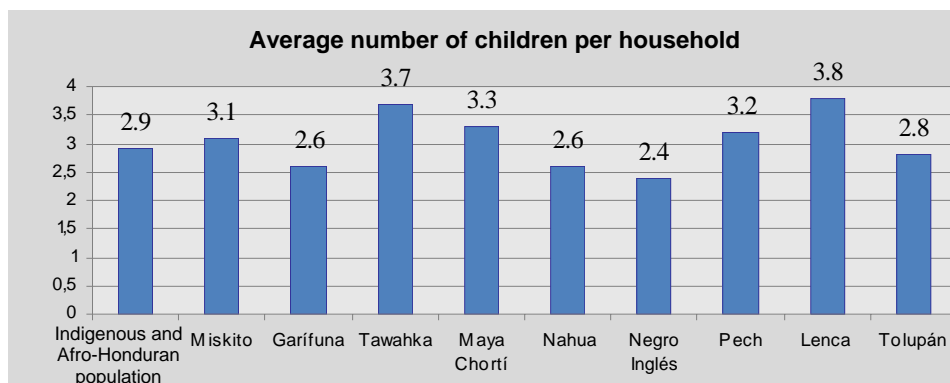
105. The general objective of the initiative is to contribute to the development of an egalitarian and equitable Honduras through the establishment of conditions and structures that promote gender equality and equity in indigenous and Afro-Honduran groups with a view to the transformation and development of native peoples. The desired outcomes are an analysis of the situation and status of indigenous and Afro-Honduran women, the legal framework and public policies relating to gender equity and equality in indigenous and Afro-Honduran groups, and the development of a gender equality and equity policy for the indigenous and Afro-Honduran peoples of Honduras.

106. Such a policy will complement the Primary Public Policy and the National Action Plan on Human Rights formulated by the Ministry of Justice and Human Rights, referred to above, since it is conceived as a tool that will highlight specifically the needs, interests and proposed activities of indigenous and Afro-Honduran women and as a political tool for mainstreaming gender equality and equity in the indigenous and Afro-Honduran population.

**C. Indigenous and Afro-Honduran children and young people**

107. The indigenous and Afro-Honduran population is young: children and young people represent a significant proportion of it. According to the survey data, 52.6 per cent of the indigenous and Afro-Honduran population is aged under 18; within that category, 6–12-year-olds account for the majority (41 per cent), followed by 0–5-year-olds, who represent 34 per cent, and 13–17-year-olds, who represent 25 per cent.

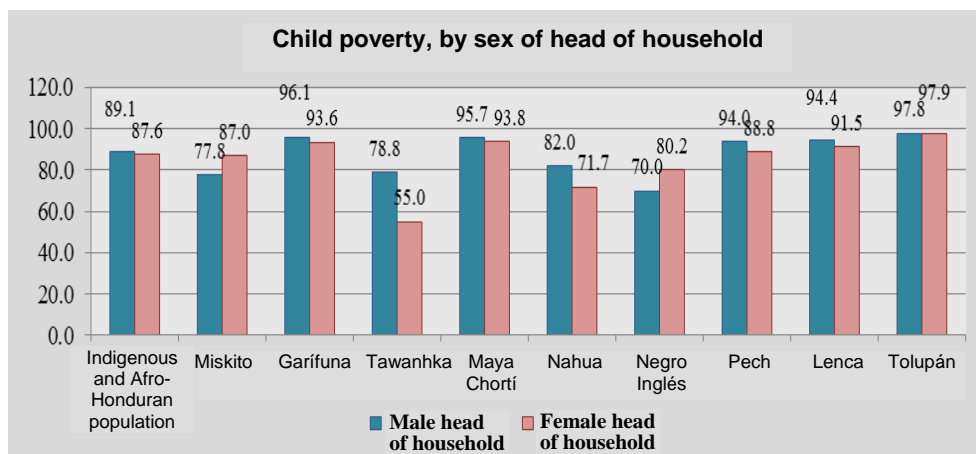
108. According to the same source, indigenous and Afro-Honduran households have an average of 2.9 children, and among the Tawahka, Maya Chortí, Miskito and Pech peoples, the average is more than three children per household. Bearing in mind the reduced income levels described above, these figures exacerbate further the phenomenon of inequality and the lack of opportunities for indigenous and Afro-Honduran children and young people.



Source: State Survey of Indigenous and Afro-Honduran Children, 2011.

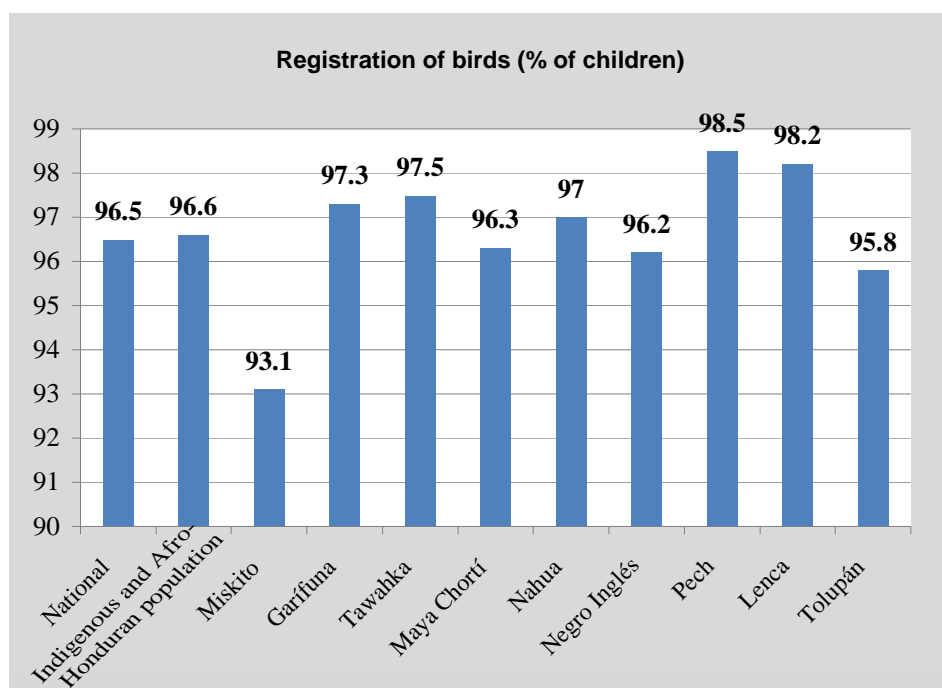
109. Poverty affects 88.7 per cent of indigenous and Afro-Honduran children (relative poverty 10.4 per cent, extreme poverty 78.4 per cent). The phenomenon of extreme poverty is particularly serious among Tolupán, Lenca and Pech children, where figures of over 88 per cent are reported. There is no doubt that the high percentages of extreme poverty are largely due to the geographical isolation of these peoples' territories from the country's central corridor, the predominance of subsistence crops and historical discrimination.

110. The survey data also show that, at the aggregate level for the nine peoples, there is no significant difference in poverty level between households headed by men and those headed by women. At the individual level, however, there are greater or lesser differences in Tawahka and Nahua households, where poverty is markedly higher in those headed by men, contrary to the situation among English-speaking Afro-Honduran people, where the percentage of poor children in households headed by women is higher than that in households headed by men.



111. The National Population and Health Survey (ENDESA) 2005–2006 found that 3.5 per cent of children under 5 did not have a birth certificate (3 per cent in urban areas and 4 per cent in rural areas).

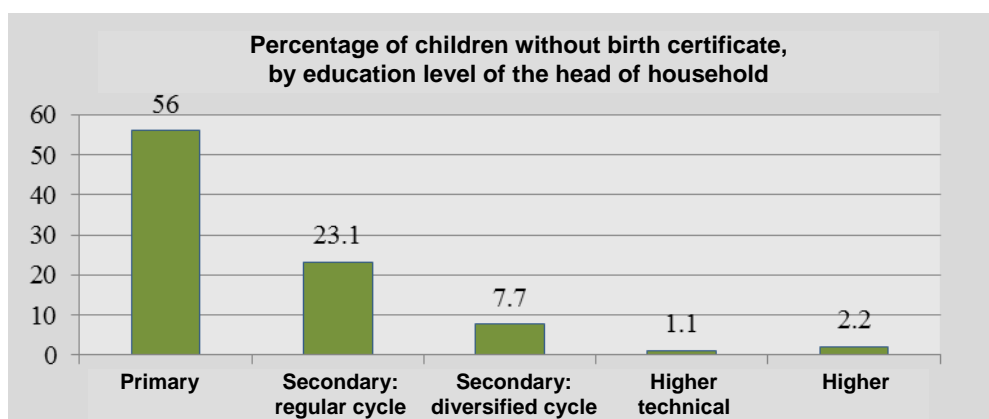
112. The situation in the indigenous and Afro-Honduran population, where 3.4 per cent of children under 5 do not have a birth certificate, is the same as in the rest of the country. The problem is more evident among the Miskito people, where 6.9 per cent of births are not registered.



Source: State Survey of Indigenous and Afro-Honduran Children, 2011.

National figure: National Population and Health Survey 2005–2006.

113. The survey data also indicate that the higher the educational level of the head of household, the lower the number of unregistered births. In general, 56 per cent of births were unregistered in households where the mothers or fathers had only primary education, 23 per cent where they had secondary education and 2 per cent where they had higher education.



Source: State Survey of Indigenous and Afro-Honduran Children, 2011.

#### D. Brief description of indigenous and Afro-Honduran peoples

114. Following the above review of various general points and of the main indicators relating to indigenous and Afro-Honduran peoples, and also of data relevant to indigenous and Afro-Honduran women, children and young people, a brief description of each of these

peoples is given below. This information complements the data on specific rights, programmes and projects described throughout the present report.

### **1. English-speaking Afro-Honduran people**

115. The repopulation of Islas de la Bahía began in the eighteenth century and was consolidated relatively recently with English and black immigrants from Grand Cayman and Jamaica. The recovery of the island territory by Honduras was slow and was not completed until the late nineteenth century; hence the unusual profile of the inhabitants. The islanders who originally came from Grand Cayman and Jamaica developed their own language, which is known as Bay Islands English and has been the predominant language since the early nineteenth century; this, together with their Protestantism and their particular way of life, with their own cultural events, are some of their principal characteristics.

#### *(a) Geographical location*

116. Since first settling there, Afro-Honduran people have had a constant presence on the islands that now form the Department of Islas de la Bahía, off the Atlantic coast of Honduras. They are distributed on the larger islands of Roatán, Utila and Guanaja, and also on other smaller islands, such as Santa Elena, José Santos Guardiola and Barbareta. Islas de la Bahía has been declared a tourist area.

117. The population is distributed in small coastal settlements, two of which qualify as towns — Coxen Hole on Roatán and Guanaja on the coral headland of the same name.

#### *(b) Economic activity*

118. The economy is dependent on natural resources and the coastal environment, including first and foremost industrial and non-industrial fishing and packing of products (lobster, shrimp, conches), which represent the main source of income for the three islands. Second is tourism and, last, farming and stockbreeding. The workers on the islands are members of the Native Bay Islanders Professionals and Labourers Association (NABIPLA).

119. English-speaking Afro-Hondurans are the fifth largest population group identified in the 2001 population census, with 12,370 people, which represents 0.2 per cent of the national total.<sup>8</sup>

### **2. Pech indigenous people**

120. The Pech indigenous people may have their origins in the Chibcha tribes of South America. The word “pech” means “people” in their language and they are generally referred to as the Paya, although they consider that term insulting. One of the characteristics of the Pech indigenous people is that they have their own language, identified as a member of the family of Macro-Chibchan languages. It has largely given way to Spanish; many young people still understand it but do not speak it. They also speak Spanish and, in the Río Plátano Biosphere Reserve, Miskito (the language spoken by the Miskito indigenous people).

#### *(a) Geographical location*

121. The Pech indigenous people are located in the Departments of Olancho, Colón and Gracias a Dios. They occupied the central region of Mosquitia in Honduras and the

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<sup>8</sup> General characteristics of the Negro Inglés people, according to the eleventh National Census and fifth Housing Census, National Institute of Statistics, 2001.

north-east of the Department of Olancho, that is, the region situated between 83.1 and 86 degrees longitude west of the Greenwich meridian. In the section of the Río Plátano Biosphere Reserve located in the Department of Gracias a Dios, there are small Pech communities and settlements scattered halfway along the river, between Las Marías and Waiknatara. In the community of Las Marías, where they are in the minority, they have mixed with the Miskito and Garífuna. The Pech territory is very uneven and mountainous.

122. The Pech are located in the Departments of Olancho and Colón, where they have disputes with ladinos, who they complain displaced them from their ancestral lands.

(b) *Economic activity and social organization*

123. Until the eighteenth century, the Pech indigenous people lived in the heart of the Agalta forest and their main productive activities were hunting and fishing, with incipient agriculture based mainly on the cultivation of tubers such as sweet yuca and possibly maize. They were nomadic; today their economic activities have changed and the most important ones include tree felling and clearing, subsistence hunting and fishing, and domestic animal breeding. They also engage in the extraction of resin from liquidambar trees, handicraft production and gold-panning. Their main crops are yuca, maize and beans, from which they make their food.

124. The social organization of the Pech indigenous people is based on the extended family. Women have a major role in the economic life of their tribe. They have been artisans, farmers, fisherwomen, healers and shamans (chief of the tribe, adviser, priestess), and smaller numbers also grow sugar cane. In the economy of the Pech people, use-values are produced, i.e. the economy is focused on local and regional self-sufficiency. This means that the most pressing needs, such as food, health, housing and energy, must be met through what the people physically produce.

125. Their other main economic activities include gold-panning, and one of their supplementary activities is handicraft production, which consists of the manufacture of ribbons and corn-grinding stones, and also wooden furniture for local use. They are organized into communal indigenous councils affiliated to the Federation of Pech Indigenous Tribes of Honduras (FETRIPIH).

126. In addition, the community elders preserve elements of their music and instruments and elements of oral literature, and they grow yuca, maize, beans and plantains, which are supplemented with hunting and non-industrial fishing and the breeding of chickens and ducks. They also produce yuca-based drinks, such as *muniá*, and *Ohtiá*, which is sugar cane juice.

127. The Pech are the seventh largest population group identified in the 2001 population census, with 3,848 people, which represents 0.06 per cent of the national total.<sup>9</sup>

### 3. Miskito indigenous people

128. The origins of the Miskito people are still not clear; their ancestors may have been linked to the Chibcha tribes which migrated northwards from South America. It is certain that the modern-day Miskito are a mixture of Bawinka, Tawahka (Sumo), African and European. The Spanish referred to them as “zambos”, but it is thought that the name “Miskito” is derived firstly from the word *mosquete* (musket), which is the weapon they used when the territory was dominated by the English, and secondly from the mosquitoes that are abundant in the region (a swamp area), which used to be called the Mosquito Coast.

<sup>9</sup> General characteristics of the Pech, according to the eleventh National Census and fifth Housing Census, 2001, National Institute of Statistics.

129. One of their cultural characteristics is their language, Miskito, which has been influenced by English and is the mother tongue which children speak when they start school; the Miskito also know many Tawahka words and speak traditional South American languages and, in a very small number of cases, Spanish.

(a) *Geographical location of the Miskito people*

130. The Miskito are located in the Mosquitia region; this includes the Department of Gracias a Dios, which has an area of 16,630 km<sup>2</sup>.

131. The extensive territory of Mosquitia covers the Department of Gracias a Dios; it occupies the area from Cabo Camarón to Gracias a Dios, along the Coco, Morocón, Patuc and Plátano rivers, and continues to be occupied by the Pech, Tawahka and Miskito peoples.

(b) *Economic activity*

132. The Miskito people support themselves mainly by growing yuca, banana, plantain, rice, beans and maize, and they also engage in hunting and fishing. They engage in non-industrial fishing and carry out waged work on lobster boats and shrimping boats, which has become their main economic activity. They belong to Mosquitia Asla Takanka/Unity of Mosquitia (MASTA).

133. The Miskito are the second largest population group identified in the 2001 population census, with 51,607 people, which represents 0.85 per cent of the national total.<sup>10</sup>

#### **4. Tawahka indigenous people**

134. The Tawahka people come from South American tribes, and it is thought that they have a common origin with the Miskito indigenous people. Historically, they were known as Sumo and are also referred to by various names such as Albatuina, Twanka and Ulwa.

135. The Tawahka use the Tawahka, Miskito and Spanish languages. They have made serious efforts to save the Tawahka oral tradition, which became known through the travellers of the early twentieth century, and Tawahka is the mother tongue which children speak when they start school. Their traditions are intermingled with those of the Miskito people as a result of centuries of close contact between the two peoples.

(a) *Geographical location*

136. The region inhabited by the Tawahka people stretches from the Patuca river to the Punta Gorda river in Nicaragua. It is located in the Department of Olancho as far east as the Coco river and as far west as the Guayambre, Tinto and Wampú rivers and the middle reaches of the Patuca.

137. The main communities currently known are Krautara and Krausirpi in Brus Laguna, Gracias a Dios, and Yapuwas, Kamakasna and Parawas in Culmí, Olancho. However, most of the Tawahka people live in the village of Krausirpi, located on the bank of the Patuca river in the heart of the Honduran forest region. The Tawahka people of Honduras are a small group. Krausirpi and Krautara are the largest Tawahka villages located on the banks of the Patuca river. Although the Tawahka people have lived in this area for centuries, Krausirpi, the main Tawahka village, was founded in 1938 by the last Tawahka chief, Claudio Cardona. Until 1948, the main Tawahka settlement was Yapuwas, a hamlet which

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<sup>10</sup> General characteristics of the Miskito, according to the eleventh National Census and fifth Housing Census, 2001, National Institute of Statistics.

was abandoned because of an epidemic that blighted and decimated the population, coupled with pressure exerted by the authorities of the Department of Olancho.

(b) *Economic activity*

138. The Tawahka people grow yuca, rice, plantains, beans and cacao and also engage in fishing and hunting; a large proportion of their produce is traded. To travel from one village to another and for the purpose of fishing, they use *pipantes* (a light boat propelled by a paddle or an engine). They are organized into communal indigenous councils affiliated to the Tawahka Indigenous Federation of Honduras (FITH).

139. The Tawahka are the eighth largest population group identified in the 2001 population census, with 2,463 people, which represents 0.04 per cent of the national total.<sup>11</sup>

**5. Maya Chortí indigenous people**

140. The Maya Chortí people come from the Maya-K'iche family, closely related to the Maya of Yucatán, Belize and northern Guatemala. They are descendants of those who built the ancient city of Copán and they lived in that area at the time of arrival of the Spanish conquistadors.

141. Nowadays, the Maya Chortí do not speak their native language and have stopped wearing their traditional dress. However, they preserve important forms of community cooperation in their culture, including the construction of their homes, in which all the men from a given group of neighbours participate.

(a) *Population area and geographical location*

142. Geographically, the Maya Chortí people are located in the Department of Copán. Historically, they settled in Honduras in the Departments of Ocotepeque, Copán, Cortés and Santa Bárbara. They live in a mountainous region that is difficult to access, and the largest communities are Chonco, Colón, Jubuco, San Rafael, Tapescos, Carrizales and La Laguna, in the municipality of Copán Ruinas. The traditional Maya Chortí peasants are located in the villages of El Encantadito, Cedral, El Jardín, Potrerillos, La Unión, El Porvenir, Buenos Aires, Llanitillos, Salitre, Hacienda Grande, El Carrizal, El Calvario, El Quebracho, El Carrizalito, El Tigre, El Cordoncillo, El Corralito, El Ostumán, La Laguna, El Chilar, Agua Zarca, San Antonio, San Francisco and Minas de Piedra, all of which are in the Department of Copán.

143. The Maya Chortí currently inhabit the east central section of Guatemala and the west of Honduras, where 35 communities are distributed in the Departments of Copán and Ocotepeque. The past decade has seen a resurgence of the Maya Chortí people, meaning self-recognition and a break with feudal forms of labour in which a group of local landowners imposed "patronage", a system of labour in which each Maya Chortí man, together with his family, was under the protection of a landowner for life and received a small piece of land which he cultivated for himself and for the landowner. In return he had to carry out farming activities without receiving a salary.

(b) *Socioeconomic situation and production of the Maya Chortí people*

144. The Maya Chortí are essentially farmers and engage in cultivation, harvesting and storage, in which all members of the family are involved and which are a major focus of their social life and religious traditions. Their main crops are maize and beans, which are

<sup>11</sup> General characteristics of the Tawahka, according to the eleventh National Census and fifth Housing Census, 2001, National Institute of Statistics.

the basis of their subsistence, together with sugar cane and certain vegetables. They also grow coffee for the purpose of generating income. With regard to domestic animals, the most common are chickens and turkeys; the latter are sold to ladinos at Christmas time.

145. Agricultural production is traditional in character and at the subsistence level involves a minimal amount of land, generally no more than the garden of a house. Many traditional peasants lease land for cultivation in places far from their communities. The whole family is involved in farm labour, clears the land, sows, maintains the fields and harvests the crops. Among those who have some quantity of land, the mechanisms for distributing and exploiting it are determined by family relationship. At certain times of year — in March, April and May — the traditional Maya Chortí peasants need to import food, as their cultivation area is reduced and their yield is insufficient. Many plots of land intended for subsistence crops have been converted into coffee plantations; as a result, the Maya Chortí have to buy the food they consume. In Agua Caliente, Las Delicias, El Chispal, El Porvenir and El Triunfo, Department of Copán, the population engages in coffee-growing. Despite differences in topography, climate and precipitation between the lowlands and the highlands, and differences in available natural resources, their way of life from an economic point of view does not differ greatly from that of ladino peasants.

146. The Maya Chortí are the fourth largest population group identified in the 2001 population census, with 34,453 people, which represents 0.57 per cent of the national total.<sup>12</sup>

147. The Maya Chortí are organized into communal indigenous councils affiliated to the Maya Chortí Indigenous National Council of Honduras (CONIMCHH).

## 6. Lenca indigenous people

148. The culture of the Lenca is at the frontier between the Meso-American civilizations and the peoples of the rainforest; although they have not reached the level of development achieved by the Maya Chortí people, they have maintained contact with that culture.

149. The Lenca consist of four completely different groups: Care, Potón, Cerquín and Lenca. They occupied Honduran territory from the west to the east central region of the country and a significant part of the territory of El Salvador. They are scattered in the Departments of La Paz, Intibucá, Lempira, Francisco Morazán and Santa Bárbara, all in Honduras.

### (a) *Economic activity and diet of the Lenca indigenous people*

150. The Lenca are experts in pottery-making, producing excellent work in earthenware or clay. They also engage in agriculture; their diet consists of maize tortillas, beans, potatoes and tamales with maize and meat, and their favourite drinks are *chilate* or *atol* (a hot maize drink) and *chicha* (fermented maize drink).

151. From their cultural traditions, they have retained the *Auxiliadora de la Vara Alta* (auxiliary mayor), who helped them, when they were living under colonial institutions, to preserve the religious practices of their ancestors. The *Guancasco* is a pact that takes a syncretic form with traditional Catholic liturgy, under which two communities exchange their patron saints, thereby reaffirming ties of friendship and peace. It also incorporates a ceremony where people dance and drink *chicha* and *chilate*, led by the traditional authorities of both communities. The famous *Guancascos* that still take place are those involving Yamaranguila, Intibucá, Ojojona, Lepaterique, Chinda and Ilama.

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<sup>12</sup> General characteristics of the Maya Chortí, according to the eleventh National Census and fifth Housing Census, 2001, National Institute of Statistics.



152. The Lenca practise agriculture and make pottery. Regrettably, their language has disappeared and they now speak only Spanish. Their diet is based on maize tortillas, tamales, fermented maize *chicha*, *chilate*, etc. The Lenca are organized into Lenca indigenous councils, which are affiliated to the Lenca Indigenous National Organization of Honduras (ONILH) and the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH).

(b) *Geographical location of the Lenca people*

153. The Lenca people are located in the Departments of La Paz, Intibucá and Lempira, in Honduras. There are also a smaller number in the Departments of Santa Bárbara, Comayagua, Francisco Morazán and Valle. The Lenca people live in around 100 communities made up of villages, hamlets and small towns. The majority of Lenca communities are located in the highest areas of Honduras, at 1,650 m above sea level, where the climate is temperate the whole year round. The Lenca population of Honduras is estimated at about 100,000. According to the anthropologist and historian Anne Chapman,<sup>13</sup> at the time of arrival of the Spanish, the Lenca were distributed in different groups, referred to above. These groups, although isolated from each other by large distances, remained bound by cultural ties and a common history. According to Chapman's study, the Lenca people were distributed geographically as follows: the Care in Intibucá, La Paz, northern Lempira and southern Santa Bárbara, in Honduras; the Cerquín in central and southern Lempira and southern Intibucá, in Honduras; the Potón in El Salvador, west of the Lempa river; and the Lenca in the Department of Comayagua, eastern La Paz, central and southern Francisco Morazán, probably including the capital, Tegucigalpa. The Lenca people were also present in the Eastern Valley in Honduras, adjacent to the Potón of El Salvador. The Lenca as an indigenous population are gradually disappearing because of ongoing ladinization and the loss of their language and their ancestral, cultural and phenotypical characteristics.

154. The Lenca are the largest population group identified in the 2001 population census, with 279,507 people, which represents 4.6 per cent of the national total.<sup>14</sup>

## 7. Tolupán indigenous people

155. The origin of the Tolupán is not clearly determined; it is not known for certain whether they are related to the Meso-American peoples or those of South American origin. Some authors consider them a more ancient people than the Maya Chortí and are certain that their language dates back about 5,000 years. They are generally known as the Jicaque (or variants thereof — Xicaque or Hicaque), which, for them, is a derogatory term; they are also called the Tolpan or the Torrupan.

(a) *Geographical location of the Tolupán indigenous people*

156. The Tolupán currently inhabit the Departments of Yoro and Francisco Morazán — specifically, the municipalities of Morazán, Negrito, Victoria, Yorito, Olanchito, Marale and Orica.

(b) *Political organization and economic activity of the Tolupán indigenous people*

157. Political organization is based on the family and the tribal council, and the Tolupán retain their Tol language. The Tolupán or Xicaque people produce maize, beans, oranges,

<sup>13</sup> Franco-American anthropologist who dedicated most of her life to the study of the indigenous Lenca and Tolupán peoples in Honduras.

<sup>14</sup> General characteristics of the Lenca, according to the eleventh National Census and fifth Housing Census, 2001, National Institute of Statistics.

mangoes and avocados, and they also sell honey and tobacco and practise small-scale hunting and fishing. The Tolupán still use bows and arrows for hunting, and they use the bark of certain trees to make strips for binding together the sticks used for their huts. The Tolupán still use flint stones to light fires. Tolupán women produce clothes and baskets of different shapes and colours, in which they carry maize and other products.

158. The Tolupán are made up of tribes led by chiefs. Their basic diet consists of maize, beans, certain tubers and other forest products. They speak their own language, known as Tol, although many of them are losing it. They are organized into communal indigenous councils affiliated to the Federation of Xicaque Tribes of Yoro (FETRIXY).

159. The Tolupán people are currently distributed in nine tribes, the majority located in the Department of Yoro, who are ladinized; most of the communities are connected by unsurfaced roads, bridle paths and footpaths. Of the lands occupied by the Tolupán, approximately 60 per cent are used for forestry, 30 per cent for stockbreeding and 10 per cent for farming. Five tribes are located in Montaña de la Flor, Francisco Morazán, where the language and customs are still preserved.

160. The Tolupán are the sixth largest population group identified in the 2001 population census, with 9,617 people, which represents 0.16 per cent of the national total.<sup>15</sup>

## **8. Garífuna Afro-Honduran people**

161. The history of the Garífuna or Garínagü people begins prior to 1635 on the island of Yurumain or Saint Vincent in the Lesser Antilles, off the coast of modern-day Venezuela. The word “Garífuna”, which means “the people who eat yuca”, is probably derived from “Kalipuna”. Most of the Garífuna people profess the Catholic religion, without abandoning their own religious beliefs of Dugú; Chugú (veneration of the dead) is an occasion for family gathering and unity. Historically, the figure of a chief and a council of elders were important in Garífuna social organization.

### *(a) Geographical location of the Garífuna people*

162. In 1797, the surviving Garífuna people were transported to the island of Roatán off the coast of Honduras; during the journey, the Spanish captured one of the British boats and took it to Trujillo, Colón, where the Garífuna were set free. Gradually, the Garífuna people moved from Trujillo and began to settle on the Atlantic coast of Honduras; there are 47 communities in the Departments of Cortés, Atlántida, Islas de la Bahía, Colón and Gracias a Dios.

### *(b) Economic activity of the Garífuna people*

163. The Garífuna people’s form of production (crop rotation) has enabled them to live in harmony with the land, the sea and their resources, through their social organization, where women play the dominant role in farming and cultural activities, which makes their society matriarchal. Many women also make an important contribution to family income by spending much of their time preparing and selling *cazabe* (yuca tortilla), bread and coconut oil.

164. In addition to traditional occupations, such as farming and fishing, the Garífuna produce a wide variety of foods and drinks rich in proteins, vitamins and energy, such as *tapau* (Garífuna stew with a variety of tubers and seafood in coconut milk), *ereba* or *cazabe* (large baked yuca tortilla) and *hudutu* or *machuca* (plantain tortilla), etc.

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<sup>15</sup> General characteristics of the Tolupán, according to the eleventh National Census and fifth Housing Census, 2001, National Institute of Statistics.

*(c) Other distinctive characteristics of the Garífuna people*

165. With regard to formal education, the number of Garífuna professionals is noteworthy, and the people are gradually seeking opportunities for comprehensive development, which they have never had before. Since there are scant opportunities for local training and employment, many Garífuna men have become sailors on commercial boats and have then emigrated to the United States. Two Afro-Hondurans are ministers in the current Government cabinet, and others are under-secretaries or hold other important positions.

166. The Garífuna are the third largest population group identified in the 2001 population census, with 46,448 people, which represents 0.76 per cent of the national total.<sup>16</sup>

**9. Nahua indigenous people**

167. The Nahua are an indigenous people of recent organization who originate from one of the major cultures of the Central Valley of Mexico and who moved down the continent, settling in the present-day valleys of Agalta, Olancho, and Quimistán, Santa Bárbara, in Honduras.

168. Currently the Nahua are not preserving their language; their predominant religion is Catholicism and the political organization that is recognized de facto is the Nahua Indigenous Federation of Honduras (FINAH), which was established in 1996 as a body whose basic objectives are to achieve recognition of the Nahua cultural environment as an indigenous feature of the country and to promote entities that encourage identity development based on the realization of ancestral moral values, making sustainable use of the natural resources that still exist.

*(a) Geographical location of the Nahua people*

169. Although their history goes back to the Náhuatl culture of Mexico, some specialists believe that the Nahua people also sporadically inhabited the north-eastern region of the Department of Gracias a Dios in Honduras, and that it is because of their presence there that the Department has extensive cacao-growing areas, more recently exploited by the Pech, Tawahka and Miskito peoples.

170. According to their own data, the Nahua are currently located in 45 settlements in four municipalities of the Department of Olancho: Catacamas, Guata, Jano and Gualaco. In the municipality of Guata, Olancho, there are underground passages that are considered cultural manifestations characteristic of the Nahua.

*(b) Economic activity and diet of the Nahua people*

171. The Nahua grow maize, beans, rice and yuca and also breed domestic animals. Their typical foods and drinks come from derivatives of maize, a crop which, together with beans and squashes, forms their diet.

**E. Migrant population**

172. Legislative Decree No. 208-2003 established the Migration and Foreign Nationals Act, which was published in the Official Gazette on 3 March 2004 and which aims to regulate the State's migration policy, the entry and exit of Hondurans and foreign nationals, foreign nationals' stays in Honduran territory and the issuing of documents.

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<sup>16</sup> General characteristics of the Garífuna, according to the eleventh National Census and fifth Housing Census, 2001, National Institute of Statistics.

173. The main destination of regional migration is the United States. This means that a significant population contingent moves from Central and South America northwards through Central American and Mexican territories; in other words, Honduras is principally a transit State for migrants.

174. With regard to the migrant population legally resident in Honduras, the census by the Directorate-General for Migration and Foreign Nationals of foreign residents in Honduras as at December 2011 found that there were 27,853 foreigners of various nationalities, in the following order: the Americas: the United States (5,708), El Salvador (3,271), Nicaragua (3,114), Guatemala (2,251), Colombia (1,422) and Mexico (1,059); Asia: China (1,267), the Republic of Korea (607), Japan (354) and the Philippines (243); Europe: Spain (582), Germany (560) and Italy (347); Africa: South Africa (19) and Egypt (9); and Oceania: Australia (15) and New Zealand (7).

175. In Honduras there are two Migrant Support Centres, one in Tegucigalpa, at Toncontín Airport, and the other in the city of San Pedro Sula, Cortés, at Ramón Villeda Morales Airport, administered by the International Organization for Migration (IOM), the Directorate-General for Migration and Foreign Nationals and the Catholic Church.

176. There are also two Migrant Support Homes, one in the town of Ocotepeque, Department of Ocotepeque, and the other in the city of Comayagüela, administered by the Catholic Church. These homes mainly receive returning Hondurans; however, they also provide humanitarian support or house foreign migrants in an irregular situation.

## **VI. Civil and political rights**

### **A. Civil rights**

#### **1. Freedom of assembly and association**

177. Article 78 of the Constitution of the Republic of Honduras guarantees the freedoms of association and assembly, where they are not contrary to public order or good morals. The various federations and associations of indigenous and Afro-Honduran peoples act as representatives before government bodies and international institutions and their main objective is to assert the rights of the respective peoples and campaign for the comprehensive development of their communities. These organizations are set out below:

(a) *Confederation of Indigenous Peoples of Honduras (CONPAH)*

178. In 1988, indigenous and Afro-Honduran peoples launched a process to foster unity among their representative organizations, which led to the establishment of the Confederation of Indigenous Peoples of Honduras, an indigenous organization set up in 1992 for the purpose of unity among indigenous and Afro-Honduran peoples, with its own legal personality, for the purpose of promoting decent living standards, ensuring respect for their world view, their cultural differences and their autonomy, and campaigning for the elimination of all forms of discrimination.

179. The Confederation of Indigenous Peoples of Honduras arose from the alliance of the Federation of Xicaque Tribes of Yoro, the Federation of Pech Indigenous Tribes of Honduras, the Tawahka Indigenous Federation of Honduras, the Lenca Indigenous National Organization of Honduras, the Honduran Black Fraternal Organization (OFRANEH) and Mosquitia Asla Takanka. It began its organizational work at the time of the commemoration of 500 years of indigenous and Afro-Honduran resistance; subsequently, in 1993, a research project on human rights violations was launched, funded by the European Union.

180. There are 23 indigenous and Afro-Honduran organizations, 20 of which are aimed at asserting the rights of peoples, including two women's organizations — the National Council of Lenca Indigenous Women of Honduras (CONMILH) and the National Coordination Agency for Indigenous and Black Women (CONAMINH) — and three of which are non-governmental organizations (NGOs): the Honduran Advisory Council for the Development of Indigenous Ethnic Groups (CAHDEA), the Asang Launa Association (A-ASLA) and the Community Ethnic Development Organization (ODECO). Of these 23 bodies, nine (or 39 per cent) are permanent members of the Confederation of Indigenous Peoples of Honduras, three participate indirectly and 10 are not members.

181. The organizations that currently belong to the Confederation of Indigenous Peoples of Honduras and are working to maintain a united political front *vis-à-vis* the State are: the Federation of Xicaque Tribes of Yoro, the Nahuatl Indigenous Federation of Honduras, the Federation of Pech Indigenous Tribes of Honduras, the Maya Chortí Indigenous National Council of Honduras, the Lenca Indigenous National Organization of Honduras, the Lenca Indigenous Movement of Honduras (MILH), the Tawahka Indigenous Federation of Honduras, Mosquitia Asla Takanka and the Native Bay Islanders Professionals and Labourers Association. One person participates on behalf of the Garífuna; that person does not represent any group but has made a significant contribution to the initiation of basic forums for dialogue with the Honduran Black Fraternal Organization.

182. The most significant achievements of the Confederation of Indigenous Peoples of Honduras include:

- (a) Promotion and coordination of large-scale peoples' marches, held for the first time in 1994, followed by five more between 1995 and 1999;
- (b) Signed agreements for the fulfilment of government commitments in the areas of infrastructure, farming, agricultural production, forestry, health, education, job creation and the administration of justice in cases of human rights violations;
- (c) Participation in the establishment of the Indigenous Council of Central America (CICA), of which it is a member;
- (d) Participation in the process of negotiating measures under the "Our Roots" programme of the Honduran Social Investment Fund; and
- (e) Monitoring of and participation in national efforts to implement the health initiative for the indigenous peoples of America.

(b) *Main indigenous and Afro-Honduran federations and organizations*

183. Organizations and federations have been established for the protection of the rights of indigenous and Afro-Honduran peoples, including the following:

- Confederation of Indigenous Peoples of Honduras;
- Federation of Xicaque Tribes of Yoro;
- Maya Chortí Indigenous National Council of Honduras;
- National Coordination Agency for Indigenous Rights of the Maya Chortí of Honduras (CONADICHH);
- Federation of Pech Indigenous Tribes of Honduras;
- Mosquitia Asla Takanka;
- Lenca Indigenous National Organization of Honduras;
- Honduran Federation of Indigenous Lenca (FHONDIL);

- Lenca Indigenous Movement of Honduras;
- Civic Council of Popular and Indigenous Organizations of Honduras;
- Nahua Indigenous Federation of Honduras;
- Honduran Black Fraternal Organization;
- Community Ethnic Development Organization;
- Native Bay Islanders Professionals and Labourers Association;
- Tawahka Indigenous Federation of Honduras;
- Association of Tolupeán Indigenous Communities of Montaña de la Flor (ACITMF);
- Maya Chortí Indigenous Council of Nueva San Andrés (CINSA);
- Asang Launa Association (inactive organization);
- Council of Miskito Elders;
- Honduran Miskito Disabled Divers' Association (AMHBLI);
- KATAINASTA Federation;
- Lenca Governing Council (CGL);
- National Coordination Agency for Indigenous and Black Women (inactive organization);
- National Council of Lenca Indigenous Women of Honduras;
- Lenca Women's Development Institute; and
- Honduran Advisory Council for the Development of Indigenous Ethnic Groups (inactive organization).

(c) *First World Summit of Afro-Descendants*

184. In 2010 the Community Ethnic Development Organization, a Honduran civil society organization established to respond to the needs of the Afro-Honduran population of Honduras, proposed this international event which brought the Afro-Honduran population together to deliberate, analyse and take decisions on common issues identified, such as the causes of poverty, exclusion, invisibility and lack of opportunities for that population. The idea was supported by more than 75 institutions which decided overwhelmingly to participate in the process.

185. In the context of the commemoration of the International Year for People of African Descent, declared by the United Nations pursuant to General Assembly resolution 64/169 of 19 March 2010, the Council of Ministers adopted an Executive Decree providing for the celebration in Honduras of the International Year for People of African Descent in 2011, and the first World Summit of Afro-Descendants was held in the city of La Ceiba, Department of Atlántida, from 18 to 21 August 2011, under the slogan “sustainable comprehensive identity development”. More than 1,350 delegates from 43 countries and four continents attended the Summit, including members of organizations belonging to the Afro-descendant social movement, peoples and communities in Africa and the worldwide diaspora, and representatives of governments, international cooperation organizations and their specialized agencies, multilateral banks and civil society organizations from Africa, the Americas, Asia and Europe.

186. In 2010 the President of the Republic of Honduras, Porfirio Lobo Sosa, stated that the Government of Honduras was committed to supporting the first World Summit of

Afro-Descendants; organizations from the Afro-descendant movement in other countries and international cooperation agencies also lent their support.

187. The La Ceiba Declaration, which was the outcome document of the Summit, set out in general terms the politico-organizational mandate of Afro-descendant communities and populations; an action plan was also formulated, focusing on short- and medium-term action, and it was proposed to promote the Decade for People of African Descent declared by the General Assembly of the United Nations and referred to in document A/66/460 of 2 December 2011, which provided for the launch of the Decade in December 2012.

(d) *Anniversary of the World Summit of Afro-Descendants*

188. One year after the first World Summit of Afro-Descendants, the International Summit Committee and its Executive Secretariat held a meeting to mark the anniversary of the Summit from 16 to 18 August 2012 at the headquarters of the Community Ethnic Development Organization in the city of La Ceiba and in the community of Corozal, attended by special guests from the Government of Honduras, international cooperation organizations, the diplomatic corps, delegations of young Afro-Hondurans and delegations from other neighbouring countries.

(i) Two important events took place as part of the commemoration of the anniversary of the first World Summit of Afro-Descendants:

(a) A meeting of the International Committee of the World Summit of Afro-Descendants Platform; and

(b) The twentieth National Meeting of Afro-Honduran Youth, held in the Commemoration Hall of the Garífuna community of Corozal from 16 to 18 August 2012, attended by 150 young people from Afro-descendant communities in Belize, Chile, El Salvador, Guatemala, Honduras, Nicaragua and Panama.

(ii) The objectives of the anniversary of the first World Summit of Afro-Descendants were:

(a) To evaluate progress relating to the first Summit Action Plan;

(b) To reaffirm the commitments entered into by civil society, international cooperation organizations and governments for the implementation of the Action Plan;

(c) To approve the structure of the World Summit Platform; and

(d) To prepare for the World Pre-Summit of Afro-Descendants, which took place from 24 to 28 October 2012 in Panama City.

(iii) Both events had important outcomes, including:

(a) Drafting and adoption of the inter-agency agenda for the Decade for People of African Descent, which, in accordance with United Nations document A/66/460, was to be launched in December 2012;

(b) Confirmation of support by the Government of Honduras for the adoption and implementation of a Sustainable Comprehensive Identity Development Plan for Indigenous and Afro-Honduran Peoples;

(c) Drafting of a proposed Executive Decree for the Decade for People of African Descent in Honduras;

(d) Submission of a proposal for the inclusion of Afro-Honduran and indigenous young people in the National Youth Strategy; and

(e) Requirement to include “Afro-Honduran” and “indigenous” as variables in the 2013 National Census.

(iv) Following the meetings held to mark the anniversary of the first World Summit of Afro-Descendants:

(a) It was decided to recognize the assistance and support of the Government of Honduras for the implementation of the World Summit of Afro-Descendants Action Plan and to affirm its willingness to support the management of the Ministry for Indigenous and Afro-Honduran Peoples and ensure the adoption and funding of the Sustainable Comprehensive Identity Development Plan for Indigenous and Afro-Honduran Peoples, and also to affirm the political will to include the variable of self-identification of those peoples in the next population and housing census;

(b) The World Summit of Afro-Descendants Platform analysed the general and immediate context of the run-up to the second World Summit of Afro-Descendants, to be held in Spain in 2014.

(v) The objectives of the decade of indigenous peoples relate to issues such as the following:

- (a) Territories, lands, productive use and prior consultation;
- (b) Justice, punishment of racism and protection of human rights;
- (c) Special measures to combat poverty;
- (d) Strengthening of cultural identity and education;
- (e) Political participation and strengthening of democratic processes;
- (f) The media;
- (g) Specific public policies;
- (h) Childhood and adolescence;
- (i) Policies to promote women; and
- (j) Support for Afro-Honduran events.

189. The federations of indigenous peoples of Honduras are currently coordinating the preparatory work for the indigenous summit to be held in Honduras on 9 August 2013 with indigenous representatives from around the world, on the occasion of the International Day of the World’s Indigenous People.

## **2. Right to form and join trade unions**

190. The right to freedom of association is also manifested in the right to form and join trade unions, in relation to which article 469 of the Labour Code establishes:

“All persons shall be prohibited from interfering with the right to form and join trade unions. Any person who, through violence or threats, interferes in any way with the right freely to form and join trade unions shall be punished with a fine of 200 to 2,000 lempiras, which shall be imposed by the relevant labour administration official, subject to full verification of the facts. In the event of a criminal conviction with a monetary penalty, the fine provided for in this paragraph shall be imposed.”

191. The right of indigenous and Afro-Honduran peoples freely to form and join trade unions is constitutionally and legally guaranteed; the same right is guaranteed for migrant workers in Honduras, with the sole proviso that article 504 of the Honduran Labour Code



establishes that “no trade union may operate unless at least 90 per cent of its staff are Honduran citizens. Whatever the form of management of the trade union, no foreigner shall be eligible for management positions”.

### **3. Right to prior consultation**

192. Honduras recognizes the right to prior consultation, guaranteed under the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169) as a fundamental principle that arises from the right of these peoples to decide their own development priorities, allowing them to hear from the State about projects that the Government plans to implement, and also to study, plan or reach a consensus on the application of any legislative or administrative measure that may directly affect the peoples concerned.

193. An inter-agency commission is currently being established with the participation of the Ministry of Natural Resources and the Environment, the Ministry for Indigenous and Afro-Honduran Peoples, the Office of the Counsel-General of the Republic and the Ministry of Justice and Human Rights, with a view to developing appropriate regulations for the free and informed implementation in Honduras of prior consultation pursuant to ILO Convention No. 169.

## **B. Political rights**

194. Political rights, in particular the right to participate in elections, to vote and to stand for election on the basis of universal and equal suffrage, to take part in government and in the conduct of public affairs at any level and to have equal access to public service, are set out in articles 37 and 44 of the Constitution of the Republic. Article 23, paragraph 1 (a), of the American Convention on Human Rights guarantees the right of every citizen to “take part in the conduct of public affairs, directly or through freely chosen representatives”.

195. In order to ensure that this right is not arbitrarily or unlawfully restricted in any way, article 45 of the Constitution of the Republic “declares punishable any act prohibiting or limiting citizens’ participation in the country’s political life”.

196. In order to facilitate citizens’ participation in elections by ensuring that ballot boxes are located within easy reach, “home voting” is implemented in each election; this means that each person can vote in a place near to his or her home. Specifically with regard to facilitating the participation in elections of indigenous and Afro-Honduran peoples, each settlement of 100 or more people is provided with a ballot box in the place where the settlement is located or at a nearby site that is easy to access. Changes of electoral domicile may be requested where appropriate.

197. The Supreme Electoral Court also provides guidance to the public, through the media and the electoral civic education programme, on the establishment of democratic values and the exercise of political and electoral rights. In addition, it has held workshops such as the well-known “Yo participo” (I’m taking part) and has conducted consultations at the national level with all sectors of the Honduran population, which have been used as the basis for a bill on political and electoral participation that has already been submitted to the National Congress of the Republic.

198. The bill on political and electoral participation contains a chapter on political inclusion aimed at guaranteeing the effective participation of women, young people, older adults, persons with disabilities, and indigenous and Afro-Honduran peoples in elections, referendums and processes conducted by political organizations.

199. Section five of the chapter on political inclusion is entitled “Indigenous and Afro-Honduran Peoples” and is aimed at ensuring that the Supreme Electoral Court promotes greater participation by indigenous and Afro-Honduran peoples in elections and referendums. The Supreme Electoral Court will arrange for documents that it deems relevant to be translated into their languages and will ensure that, within its sphere of influence, messages are disseminated in indigenous languages.

### **C. Right to security of person**

200. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution, even if not expressly, is set out in articles 59, 61, 65 and 68 of the Constitution of the Republic, which guarantee Hondurans and foreigners resident in the country the right to inviolability of life, dignity, individual security, liberty and equality before the law, and the right to property; the right to respect for their physical, mental and moral integrity is also guaranteed, and torture and cruel, inhuman or degrading treatment or punishment are prohibited.

201. In 2011 the Government of Honduras, aware that lack of security is one of the obstacles to the development of society, adopted a comprehensive policy on coexistence and public security, which is consistent with a broad concept of human security based on the concept of effective enjoyment of rights. The basic purpose is not only to reduce crime rates but also to ensure that all persons can effectively exercise their fundamental rights without suffering aggression from third parties.

202. This policy serves as a framework for the “Safer Municipalities” programme, which seeks to generate processes of inter-agency coordination involving national and local administrative authorities and the public.

203. In the context of the comprehensive policy on coexistence and public security, the National Police have trained members of public security boards and members of various indigenous and Afro-Honduran communities, which has particularly benefited the Garífuna in Atlántida and Colón and the Lenca in Lempira.

204. The National Police, in conjunction with the Ministry for Planning (SEPLAN), the Ministry of the Interior and Population (SEIP) and the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependence (IAHDFA), have coordinated talks in primary and secondary schools on drug use and prevention, education and road safety, with a view to raising awareness among young people of the harm caused by the use and consumption of drugs.

205. According to the National Police, the territories of the Miskito, Garífuna and Maya Chortí are crossed by a corridor that is heavily used for drug transit and other organized crime activities; for that reason the police headquarters in the Departments of Gracias a Dios, Colón, Atlántida, Cortés, Copán and Ocotepeque periodically conduct operations to prevent and combat drug trafficking and organized crime.

206. Interventions by law enforcement agencies in the territories of indigenous peoples, particularly the Miskito, have led to reports of human rights violations, which are being investigated by the Public Prosecution Service. One such report concerns a joint operation on 11 May 2012 in the Ahuas area of Mosquitia, Gracias a Dios, involving Honduran troops and alleged agents of the United States Drug Enforcement Administration, which left four people dead, including two women, and eight other people injured.

## VII. Economic, social and cultural rights

### A. Right to development

#### 1. Strategic Plan for the Comprehensive Development of the Indigenous Peoples of Honduras (2008)

207. The Strategic Plan for the Comprehensive Development of the Indigenous Peoples of Honduras, drawn up in 2007 and adopted in 2008, is based on the model of identity development of indigenous peoples, that is, in-depth knowledge of the ancestral heritage of indigenous or Afro-Honduran peoples, complemented by the global heritage of modern science and technology. It is also supported by a guarantee of legal certainty for indigenous peoples over their ancestral territories and the development and sustainable exploitation of existing natural and cultural resources.

208. The Plan formed part of the technical cooperation provided by the Inter-American Development Bank (IDB) to the then Ministry of the Interior and Justice and to indigenous peoples to guide the implementation of the Comprehensive Development Programme for the Indigenous Peoples of Honduras (DIPA), which was also launched in 2007 and whose content and coverage will be mentioned later, and other programmes coordinated by the then Ministry of the Interior and Justice and by the Honduran Social Investment Fund, to which reference will be made in subsequent sections.

209. The Plan was drawn up with contributions firstly from members of indigenous groups and secondly from specialists on topics such as indigenous/multi-ethnic development, indigenous rights, socioeconomic characterization of indigenous peoples, land and territories, financial infrastructure in the territories of indigenous peoples, public investment in the territories of indigenous peoples, and indigenous and Afro-Honduran and gender organizations.

210. The Plan's objectives with regard to identity development are:

(a) To support the central and local governments and indigenous peoples in guiding the planning and implementation of short-, medium- and long-term identity development policies, programmes and projects;

(b) To serve all sectors of Honduran society in the process of building a multi-ethnic and multicultural Honduran identity and to strengthen alliances between indigenous and Afro-Honduran society and the rest of society with a view to working together for the sustainable development of the country; and

(c) To ensure, in the future, that no measures that may have a negative and/or discriminatory impact on the rights of indigenous and Afro-Honduran peoples are implemented.

211. The Plan is aimed at benefiting indigenous and Afro-Honduran inhabitants of rural territories, most of whom practise their traditional subsistence mode of production and are in a situation of poverty or extreme poverty or are socially at risk.

#### (a) *Updating of the Strategic Plan for the Comprehensive Development of the Indigenous Peoples of Honduras*

212. The Strategic Plan for the Comprehensive Development of the Indigenous Peoples of Honduras was updated in August 2011, basically taking into account two documents:

- The Vision for the Country 2010–2038 and the Plan for the Nation 2010–2022 of the Republic of Honduras; and

- Description of the indigenous and Afro-Honduran population of Honduras, drawn up under the Comprehensive Development Programme for the Indigenous Peoples of Honduras in July 2011.

213. The guiding principles and criteria of the Plan are: participation; gender equity and the best interests of the child; recognition of the value of older people; recognition of the value of persons with special abilities; transparency; social monitoring and accelerated development of human capital in traditional and modern technologies; exploitation of social capital; restoration, conservation and development of natural resources; conservation and development of the cultural heritage; and respect for cultural diversity and strategic alliances.

(b) *Proposed areas of the Strategic Plan*

214. Abraham Maslow's<sup>17</sup> pyramid expresses the idea that, in order to aspire to the fulfilment of higher needs, human beings need to have their lesser needs met at least to a minimum degree, on a scale that goes from survival to personal growth. Basic needs according to this model include, for example, education, health, income, infrastructure, etc. If these needs are met to some degree, work can be done on intra-organizational development, that is, on improving the internal situation of each people, their organizations and relations between them and communities, etc. On the next level of the pyramid, inter-organizational development is supported, i.e. the strengthening of relations among the nine indigenous and Afro-Honduran peoples of Honduras. Lastly, the top level relates to the need for these peoples to increase and make more visible their contribution to the nation as a whole, which here has been termed "contributing".

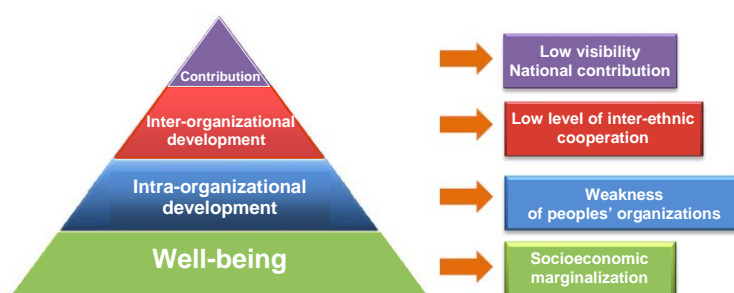
215. The current situation with respect to the pyramid of institutional development is that the well-being of peoples and communities is compromised because of socioeconomic marginalization. Intra-organizational development is hampered by the weakness of each people's organizations and the limited links between many communities. With regard to inter-organizational development, the level of cooperation among the different peoples is currently low. Lastly, with regard to the need to contribute to the nation, the problem is that the contribution made by indigenous and Afro-Honduran peoples is not visible.

216. The objectives are defined according to the four groups of problems identified in the diagnosis; each objective is ultimately aimed at dealing with one type of problem:

- *Socioeconomic marginalization*: the objective is to improve the socioeconomic situation of indigenous and Afro-Honduran peoples;
- *Weakness of peoples' organizations*: the objective is to strengthen the representative organizations of each people and to improve governability;
- *Low level of inter-ethnic cooperation*: the objective is to encourage cooperation and strengthen forums for coordination among peoples;
- *Low visibility, national contribution*: the objective is to increase and make more visible the contribution made by indigenous and Afro-Honduran peoples to the nation as a whole.

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<sup>17</sup> United States psychologist known as one of the founders and principal exponents of humanist psychology.



## 2. Support Programme for Indigenous and Black Communities (PAPIN)<sup>18</sup>

217. The Support Programme for Indigenous and Black Communities was launched on 11 April 2002 and came to an end on 31 October 2007. The purpose of the project was to improve the environment for the development of infrastructure investment in the indigenous and Afro-Honduran communities of Honduras, with the specific objectives of building infrastructure using the ethno-engineering model and promoting social and gender equity.

## 3. Comprehensive Development Programme for Indigenous Peoples (DIPA)

218. This programme was launched on 15 January 2007; its implementing agency was the Honduran Social Investment Fund. Its implementation cycle was originally intended to conclude on 31 August 2012, but it has now been converted into a programme of the Ministry for Indigenous and Afro-Honduran Peoples (DIPA-SEDINAFROH).

219. The Comprehensive Development Programme for Indigenous Peoples was designed as a comprehensive, intersectoral and participatory programme, addressing the issues of social inclusion, gender and the environment in a cross-cutting manner with a view to helping improve the standard of living of the indigenous peoples of Honduras and contributing to their comprehensive and sustainable development in the social, cultural and environmental fields.

220. The Comprehensive Development Programme for Indigenous Peoples of the Honduran Social Investment Fund financed profitable production projects in indigenous and Afro-Honduran communities through exploitation of their potential and the comparative advantages of their various resources with a different approach of sustainable management of investment in the context of comprehensive development, which led to an improvement in their standard of living. This also made it possible to consolidate the sustainability of the projects and coordinate them with the market and the programmes promoted by the Government for vulnerable groups, providing them with a national frame of reference for the comprehensive development of their territories in the future.

221. The Programme has achieved its objectives through the implementation of 76 business and emergency production projects, and also projects for basic infrastructure and infrastructure damaged in the storms of 2008.

222. The geographical coverage and the beneficiary populations are the nine native peoples of Honduras: Miskito, Tawahka, Pech, Tolupán, Maya Chortí, Lenca, Nahua, Garífuna and English-speaking islanders or Afro-Hondurans (Afro-Antilleans). The Comprehensive Development Programme for Indigenous Peoples focuses on the Miskito, Tawahka, Pech and Garífuna peoples. Indigenous and Afro-Honduran people are scattered throughout the country but are concentrated in the north-east, in three Departments —

<sup>18</sup> Information provided by the then Ministry of the Interior and Justice.

Gracias a Dios, Colón and Olancho — and in the west of the country, also in three Departments: Lempira, Intibucá and La Paz.

223. Over the past two years, between January 2010 and December 2012, activities have been carried out under the Comprehensive Development Programme for Indigenous Peoples relating to the funding of regular and emergency projects, training and technical assistance for production projects, services for the regulation of business production units, maintenance and repair of buildings and premises, and studies, research and feasibility analysis.

224. With regard to business projects, the Garífuna people have benefited from six projects in 17 communities, with 630 direct beneficiaries and 46,695 indirect beneficiaries; the Miskito people have had four projects in 19 communities with 436 direct beneficiaries and 11,977 indirect beneficiaries; the Pech people have had two projects in six communities with 202 direct beneficiaries and 2,468 indirect beneficiaries; the Tawahka people have had one project in six communities with 177 direct beneficiaries and 560 indirect beneficiaries; the Lenca people have had three projects in 34 communities with 400 direct beneficiaries and 14,187 indirect beneficiaries; the Maya Chortí people have had one project in 11 communities with 240 direct beneficiaries and 23,000 indirect beneficiaries; the Nahua people have had one project in 11 communities with 237 direct beneficiaries and 387 indirect beneficiaries; the Tolupán people have had two projects in a number of communities with 71,258 beneficiaries; and the English-speaking Afro-Honduran people have had one project in three communities with 20 direct beneficiaries and 20,078 indirect beneficiaries.

225. Past projects have related to the buying and selling of staple grains, equipment for storage centres for the selling of vegetables, border road maintenance, forest management and tour operators.

226. With regard to emergency projects for basic social infrastructure, the Garífuna people have benefited from six projects in six communities, with 16,777 beneficiaries; the Miskito people have had five projects in eight communities with 8,402 beneficiaries; the Pech people have had two projects in two communities with 400 beneficiaries; the Tawahka people have had three projects in three communities with 835 beneficiaries; the Lenca people have had one project in two communities with 424 beneficiaries; the Maya Chortí people have had four projects in four communities with 1,198 beneficiaries; the Nahua people have had three projects in six communities with 542 beneficiaries; the Tolupán people have had two projects in a number of communities with 71,258 beneficiaries; and the English-speaking black people have had two projects in two communities with 5,615 beneficiaries.

227. Past projects have related to the construction of rainwater channels, the installation of water pump systems, health centre repairs, the construction of jetties for launches, education centre roof repairs, the construction of classrooms, footbridges, box culverts, retaining walls, wooden houses, latrines and drinking water systems, and road repairs.

228. With regard to emergency production projects, the Garífuna people have benefited from projects in 17 communities, with 630 beneficiaries; the Miskito people have had five projects in 38 communities with 1,563 direct beneficiaries and 9,378 indirect beneficiaries; the Pech people have had three projects in four communities with 380 beneficiaries; the Tawahka people have had two projects in seven communities with 177 beneficiaries; the Lenca people have had three projects in 21 communities with 371 beneficiaries; the Maya Chortí people have had one project in 11 communities with 240 beneficiaries; the Nahua people have had one project in 11 communities with 277 beneficiaries; and the Tolupán people have had two projects in 22 communities with 390 beneficiaries.

229. Past projects have related to the rehabilitation of staple grain farms, the planting of watermelons and bakeries.

#### 4. Honduran Social Investment Fund (FHIS)

230. In addition to investing in basic social infrastructure, the Honduran Social Investment Fund implements special programmes and projects with an emphasis on human development, such as the Comprehensive Development Programme for Indigenous Peoples mentioned above, and others such as the “Our Roots” programme, the Rural Infrastructure Programme (PIR), the Chagas Disease Prevention Programme and the Development and Social Assistance Innovation Fund Programme.

#### 5. “Our Roots” programme

231. The “Our Roots” programme was in force from January 1995, funded at all stages by the World Bank, which deemed it a success because of its significant impact on the standard of living of indigenous and Afro-Honduran peoples. The programme came to an end on 31 July 2010; it had been aimed at the nine indigenous and Afro-Honduran peoples: Maya Chortí, Lenca, Nahua, Tawahka, Pech, Tolupán, Garífuna, Miskito and English-speaking black people.

232. The programme consisted chiefly in encouraging greater participation by indigenous and Afro-Honduran peoples in the process of comprehensive development of their communities and the country through local capacity-building for the sustainability of organizations, cultural identity and projects.

233. The types of projects were as follows:

(a) *Production*: all of these were agricultural projects, and the products (maize crops, beans, cattle, pigs, bees and others) were used for the beneficiaries’ own consumption or were sold to generate income;

(b) *Infrastructure*: subprojects implemented by the community, averaging US\$ 20,000. Only subprojects prioritized through the development planning process were funded; and

(c) *Horizontal*: projects implemented by the federations of different native groups with a view to preserving or promoting their culture, including infrastructure and production projects and cultural projects proper (the amount for implementation of these projects was equivalent to 10 per cent of the amount assigned to each people for investment).

234. By the time the programme came to an end, it had contributed to the building of management capacities for the development of indigenous peoples, with nine strategic plans for such development through a process in which the respective peoples would participate; 678 trainers from the communities themselves were provided with training and 12,800 community leaders were trained in investment project implementation. Further achievements of the programme are set out below:

(a) A total of 1,465 community development plans and investment initiatives (90 per cent of investment contributed by the Honduran Social Investment Fund and 10 per cent by the community);

(b) Implementation of 1,455 investment microprojects.

235. With regard to the financing of investment projects, progress has been made in three major areas:

(a) Infrastructure;

- (b) Food security; and
- (c) Creation of temporary and permanent employment through infrastructure, production, trade and micro-business organization projects.

### **Infrastructure**

- (a) Improvement of the living conditions of 14,140 members of beneficiary families, with the implementation of 33 housing construction projects (375 houses constructed) and 69 home improvement projects (2,178 homes repaired: mainly roofs and floors), with a total investment of 20,989,474.78 lempiras;
- (b) Construction and upgrading of 22 education centres, in coordination with municipal councils and the Ministry of Health, with an investment of 7,025,195.54 lempiras benefiting 12,400 pupils;
- (c) Implementation of 32 microprojects for access to drinking water, benefiting 5,974 members of families; implementation coordinated with the relevant municipalities, with an investment of 9,666,795.33 lempiras; and
- (d) Implementation of other microprojects, such as perimeter fences for education centres, footbridges, community centres, etc.

### **Food security**

- (a) Contribution to food security, development of administrative capacity (technical and financial) for productive investment projects (farming and trade), with the involvement of around 500,000 indigenous and Afro-Honduran persons; 154 million lempiras of capital invested, which is helping to generate capital flow of more than 412 million lempiras in an initial process of investment sustainability, which should be consolidated.
- (b) A total of 380 microprojects for the cultivation of staple grains, including diversification and first and second planting (maize, beans and rice) covering 9,828 ha for a yield of 288,600 quintals of these crops, generating capital of 102,836,800 lempiras, which has contributed to food security in the poorest areas of the country, such as Mosquitia, northern Olancho, Intibucá, Lempira and La Paz.
  - (i) A total of 151 poultry-breeding microprojects for meat and egg production in the same number of communities, with a flock of 45,300 domestic fowl in special purpose-built huts.
  - (ii) A total of 44 pig-breeding and -fattening microprojects, with a herd of 500 animals, benefiting 4,787 members of families.
  - (iii) A total of 90 cattle-farming microprojects, involving 1,283 head of cattle for the production of milk, meat or both. These microprojects benefit 90 communities with 1,132 members of families.
  - (iv) A total of 199 microprojects for coffee-growing or the improvement of coffee plantations covering 1,456 ha, benefiting 59,202 participants (generally heads of family), with average production of 86,160 quintals of green coffee worth 172,360,000 lempiras, which has made the crop one of the country's most important economic and social resources.
  - (v) A total of 151 trade microprojects (consumer goods or supply shops) involving the sale of basic necessities at very low prices in rural areas and marginal urban areas; 90 per cent of these projects are implemented by women and contribute



significantly to food security and community grocery stores, at low cost. There are also shops that buy and sell agricultural supplies.

(vi) A total of 42 sugar cane cultivation microprojects covering 123 ha and benefiting 7,751 members of families.

(vii) A total of 49 microprojects involving various vegetables, covering 101 ha and benefiting 882 members of families.

(viii) A total of 34 potato-growing projects covering 45 ha and benefiting 17,717 members of families, with an investment of 3,131,370 lempiras.

(c) Funding has been provided for the implementation of smaller-scale microprojects in areas such as bee-keeping, fish farming, community nurseries, plantain-growing and others, which together are contributing to families' food security and have helped to generate additional income to cover the needs of the target population.

236. The "Our Roots" programme was provided with a total of 30,640,000 lempiras from national funds and US\$ 15 million of external funds from a World Bank loan ("Our Roots" programme HO 3892).

237. The projects implemented in indigenous and Afro-Honduran areas under the "Our Roots" programme during the period 2009–2011 can be summarized as follows.

#### Amounts for projects under the "Our Roots" programme

<i>Sector</i>	<i>Number of projects</i>	<i>Amount (lempiras)</i>	<i>Beneficiaries</i>
Water and sewerage	4	2 217 595.59	10 670
Education	2	1 421 835.52	5 495
Energy	1	156 000.00	306
Municipal	4	2 127 638.48	2 006
Production	41	5 520 708.30	13 758
Other types of projects	8	7 710 725.10	7 556
<b>Total</b>	<b>60</b>	<b>19 154 502.99</b>	<b>39 791</b>

238. Under the "Our Roots" programme, the Honduran Social Investment Fund made a significant contribution by implementing administrative measures in the social, economic and cultural spheres to promote the relevant forums for indigenous and Afro-Honduran groups in Honduras to take action in an environment of equality and respect for their human rights and fundamental freedoms. Human resources training is also contributing to the establishment of a strong social structure, which will allow the various indigenous and Afro-Honduran peoples to become quickly and effectively involved in the management of their own development and consequently in the country's progress.

#### 6. Comprehensive Development Programme for Indigenous Peoples of the Ministry for Indigenous and Afro-Honduran Peoples (DIPA-SEDINAFROH)

239. The direct predecessor of the Programme currently known as DIPA-SEDINAFROH is the loan contract 1689/SF-HO for the implementation of the Comprehensive Development Programme for Indigenous Peoples, signed on 30 November 2006 by Honduras and IDB.

240. Since the establishment of the Ministry for Indigenous and Afro-Honduran Peoples pursuant to Legislative Decree No. 203-2010 of 12 November 2010 and its launch on 4 January 2011, the management of the Comprehensive Development Programme for

Indigenous Peoples, under the name DIPA-SEDINAFROH, has been taken over by the new Ministry with a view to strengthening the capacity of the Ministry and of the organizations that deal with requests from indigenous and Afro-Honduran peoples, and disseminating and communicating information about indigenous and Afro-Honduran issues and the Programme's progress and results.

241. The Programme's ongoing objective was to help improve the standard of living and the comprehensive and sustainable development of the indigenous peoples of Honduras in the economic, social, cultural and environmental fields.

242. The purpose of the Programme is to help build the capacities of indigenous peoples' federations and organizations and strengthen respect for their individual and collective rights through the provision of training services and financial support for the implementation of projects that contribute to the achievement of the Millennium Development Goals, support for vulnerable groups and the promotion of cultural identity, preferably at the community level.

### **Specific objectives**

(a) To strengthen the Ministry for Indigenous and Afro-Honduran Peoples in its role of guiding public policies for indigenous peoples;

(b) To strengthen the self-management of representative indigenous and Afro-Honduran organizations at the community, local and regional levels and the government institutions that interact with them; and

(c) To improve the capacities and opportunities of indigenous communities in the area of production and human development.

243. In order to achieve these objectives, two components are to be implemented with the Programme's resources:

*Component 1* – Institutional capacity-building: the objective is to strengthen the organizational capacity of the Ministry for Indigenous and Afro-Honduran Peoples and of organizations (federations, town councils, community organizations) so that they can respond appropriately to the needs of indigenous and Afro-Honduran peoples and disseminate and communicate aspects of policy on indigenous affairs and the Programme's progress and results.

*Component 2* – Development, both of production and of human capital. Production development continues to be implemented by the Honduran Social Investment Fund under the scheme described above; however, human capital development, financed by the Comprehensive Development Programme for Indigenous Peoples, is implemented by the Ministry for Indigenous and Afro-Honduran Peoples, which proposes to use a substantial portion of the Programme funding for human capital development in the form of competitive projects in the social, cultural and environmental spheres for the benefit of the country's nine indigenous and Afro-Honduran peoples.

244. Both components are aimed at increasing economies of scale and also strengthening local community organizations.

245. Funding will be provided for 16 projects, each of which will last for six months, and at least 50 families will benefit directly from each project. The minimum amount of funding for each project will be US\$ 60,000 and the maximum will be US\$ 72,000; the implementing organization will have to contribute 10 per cent of the total project amount as counterpart funding. Funds are currently available for projects relating to culture, the environment and business development.

246. The beneficiary communities will be the Lenca, Garífuna, Maya Chortí, English-speaking Afro-Hondurans, Nahua, Tolupán, Tawahka, Miskito and Pech.

## **7. Development and Social Assistance Innovation Fund Programme (FIDAS)**

247. The Development and Social Assistance Innovation Fund Programme was launched on 9 August 2006 with a view to improving the way in which social issues are addressed, improving the targeting of resources and coordinating work in the social sphere with institutions. It was a nationwide programme that benefited all indigenous and Afro-Honduran peoples; it came to an end on 31 December 2010.

248. Projects under the Development and Social Assistance Innovation Fund Programme included financing for non-governmental development organizations, community groups and churches selected during competitions for funding to implement innovative projects with community- and sustainability-based approaches.

249. Under the Programme, consultations took place on a handbook on a rights-based approach for indigenous and Afro-Honduran peoples, which refers to approaches for indigenous and Afro-Honduran peoples in general and children in particular; it also describes in a practical way how to take account of their rights in investments directed at vulnerable groups.

250. Other major projects that have been implemented in indigenous and Afro-Honduran areas are: a project to strengthen capacities and life skills for children affected by HIV/AIDS, with 273 Garífuna beneficiaries from the municipality of Tela, Atlántida; a project to generate socioeducational opportunities for children and adolescents, with 70 beneficiaries among the Lenca of Yamaranguila, Intibucá; a project to support Garífuna children infected with HIV/AIDS, with 272 beneficiaries from the municipalities of Tela and La Ceiba, Atlántida; and a project for solidarity with HIV/AIDS orphans, with 180 Garífuna beneficiaries from Santa Fe Trujillo, Colón.

251. These projects received total funding of 3,951,036.60 lempiras and benefited 1,295 children affected by HIV/AIDS or orphans whose parents had been affected.

## **8. Chagas Disease Programme (Housing and Health)**

252. The Chagas Disease Programme initiated by the Honduran Social Investment Fund consists in diminishing the risk of infection with Chagas disease of 5,089 families from communities with housing that is at high risk of harbouring the vectors *Rhodnius prolixus* and *Triatoma dimidiata*, by rehousing families and training them in best practices in health and maintenance of areas around the home so as to reduce infection.

253. The Programme ran from 15 July 2004 to 31 December 2011, covering 13 municipalities in the Departments of Intibucá, Olancho, La Paz, Yoro, El Paraíso, Lempira, Francisco Morazán and Copán. Among the indigenous peoples that benefited were the Lenca, the Maya Chortí, the Pech and the Tolupán.

254. Under the Programme, all the houses that were harbouring the vector were replaced with 36 m<sup>2</sup> units distributed in four areas for social activities. Currently the houses are made of blocks or adobe covered in sheets or tiles, and they also have a simple pit latrine and a wood-saving stove. In addition to the infrastructure, 100 hours of training per household is provided.

255. Projects under the programme of rehousing to combat Chagas disease in indigenous areas benefited 11,310 persons, as set out in the following table.

**Indigenous and Afro-Honduran persons rehoused/Chagas Disease Programme**

<i>Department</i>	<i>Sector</i>	<i>Amount (lempiras)</i>	<i>Beneficiaries</i>
Copán	Health	14 265 940.96	3 877
Intibucá	Health	16 919 234.02	4 766
La Paz	Health	3 468 324.66	1 473
Yoro	Health	3 287 725.76	1 194
<b>Total</b>		<b>37 941 225.40</b>	<b>11 310</b>

**9. Rural Infrastructure Programme (PIR)**

256. The Rural Infrastructure Programme, initiated by the Honduran Social Investment Fund, consists in making qualitative and substantial improvements to access to infrastructure services (roads, water, sanitation and electricity) for the poor in rural areas throughout the country, developing appropriate capacities and conditions for the provision of rural infrastructure services and planning at the local level.

**Duration, geographical coverage and indigenous and Afro-Honduran beneficiaries of the Rural Infrastructure Programme**

257. The Programme ran from 4 August 2006 to 30 June 2012.

258. The geographical coverage and beneficiary groups were as follows:

(a) Choluteca: San Marcos de Colón, Orocuina, Apacilagua, El Corpus, Santa Ana de Yusguare, Concepción de María, El Triunfo, Namasigue, Duyure;

(b) Santa Bárbara: San Marcos, Concepción del Norte, Trinidad, San Luis, Chinda, Petoa;

(c) Copán: Nueva Arcadía, La Jigua, El Paraíso, San Antonio, Copán Ruinas, San Nicolás, San Jerónimo, Cabañas, Santa Rita, Florida;

(d) Olancho: Guata, La Unión, Mangulile, Jano, Yocón, El Rosario, Salamá, Guayape, Silca, Concordia, Campamento, Esquipulas del Norte;

(e) La Paz: Santa María, San Pedro Tutuleo, San José, Marcala, Chinacla, Santiago, Purinla; and

(f) Ocotepeque: Fraternidad, Sensenti, Dolores, Merendón La Labor, Lucerna.

**Main achievements of the Rural Infrastructure Programme**

(a) *Rural electrification*: projects to provide or improve access to electricity, with beneficiaries contributing 15 per cent of the total funds for the project;

(b) *Water and sanitation*: projects to repair, expand and construct community water and sanitation systems in selected communities, with facilities in rural areas; and

(c) *Rural roads*: projects to repair and upgrade municipal roads, employing a mass workforce, with the beneficiary communities contributing 15 per cent of the total funds for the project.

259. The implementation of projects under the Rural Infrastructure Programme in indigenous areas was limited to the communities of Mancepaz, Guisallote, Maya Chortí and the Regional Environmental Council (CRA), as set out in the following table.

**Projects in indigenous areas under the Rural Infrastructure Programme, by area**

<i>Sector</i>	<i>Number of projects</i>	<i>Amount (lempiras)</i>	<i>Beneficiaries</i>
Energy	24	39 567 767.78	13 118
Water and sewerage	7	12 479 348.52	2 470
Rural roads	16	22 204 220.75	32 625
<b>Total</b>	<b>47</b>	<b>76 251 337.05</b>	<b>48 213</b>

**10. Andalusia Regional Government Programme**

260. This Programme was implemented as part of cooperation between the Andalusian Agency for International Cooperation for Development, the Honduran Social Investment Fund, the Ministry of Social Development, the Ministry of Education, the Ministry of Agriculture and Livestock, the Ministry for Planning and International Cooperation, the Ministry of the Interior and Population and the town halls of the recipient municipalities, with funding from the Andalusian Agency for International Cooperation for Development of the Andalusia Regional Government (Spain).

261. The Andalusia Regional Government Programme improved the standard of living for the residents of four extremely poor municipalities in the Department of Intibucá (San Marcos de la Sierra, Dolores, San Miguelito and San Francisco de Opalaca), with comprehensive interventions in the areas of health, education, infrastructure improvement, support for economic and production development, food security and the establishment of local social and institutional capital.

262. The implemented projects related to:

- (a) *Education*: replacement, reconstruction and expansion of education centres, including pre-investment, implementation, supervision and training;
- (b) *Health*: construction, renovation and expansion of health centres, including pre-investment, implementation, supervision, training and provision of latrines;
- (c) *Water*: expansion, upgrading and construction of drinking-water systems;
- (d) *Electrification*: community-level energy supply projects;
- (e) *Roads*: development of road infrastructure to improve access to rural areas of municipalities; and
- (f) *Social facilities*: construction and equipping of social facilities.

**Projects implemented under the Andalusia Regional Government Programme**

<i>Sector</i>	<i>Amount (lempiras)</i>	<i>Number of projects</i>	<i>Beneficiaries</i>
Water and sewerage	17 488 664.43	5	9 229
Education	28 382 715.50	34	4 821
Energy	34 823 832.35	25	2 599
Municipality	19 032 470.22	18	29 750
Health	27 321 686.51	46	24 995
<b>Total</b>	<b>127 049 369.01</b>	<b>128</b>	<b>71 394</b>

## 11. “Bono 10.000” (Voucher 10,000) programme

263. This programme is implemented by the Office of the President through the unit known as “Bono 10.000” and consists in the provision of cash transfers subject to the fulfilment of joint responsibilities, with a view to helping break the intergenerational cycle of poverty and extreme poverty through the creation of opportunities and the development of capacities and competences in education, health and nutrition for families living in poverty or extreme poverty.

264. The programme promotes intersectoral strategies and measures for education, health and nutrition and for coordination with other social programmes that promote employment, income generation and saving in families living in poverty or extreme poverty, so as to boost and strengthen their capacities and potential, raise their standard of living, create opportunities and encourage their inclusion in comprehensive development, through:

- (a) Substantial improvement of their levels of education, health and nutrition;
- (b) Integration of education, health and nutrition measures with regional and community development programmes;
- (c) Promotion of temporary employment in marginalized areas, so that development of the capacities of families living in poverty or extreme poverty is complemented by the creation of opportunities in disadvantaged communities and regions; and
- (d) Active participation by community school committees organized under the programme, for the benefit of education, health, nutrition and social development.

265. The Bono 10.000 programme currently covers 17 of the country’s departments, benefiting communities of the Lenca, Garífuna, Tolupán, Miskito, Pech, Nahua, Tawahka and Maya Chortí indigenous peoples. According to data from the Family Allowance Programme (PRAF), 53,010 indigenous and Afro-Honduran households benefited in 2011.

## B. Right to housing

### 1. Housing characteristics

266. Housing conditions influence households’ quality of life, and access to basic services can make a difference to a family’s standard of living. According to data from the 2011 State Survey of Indigenous and Afro-Honduran Children, the vast majority of indigenous and Afro-Honduran families live in individual dwellings, with the exception of Miskito families, a considerable percentage of whom live in *barracones*.<sup>19</sup>

267. Among the Miskito, Nahua and Tawahka peoples, most houses or *barracones* have wooden floors, whereas earth floors are very common among the Lenca, Maya Chortí and Tolupán peoples. The combination of wooden walls (generally driftwood without proper joints) and wooden floors encourages the spread of infectious and contagious diseases.

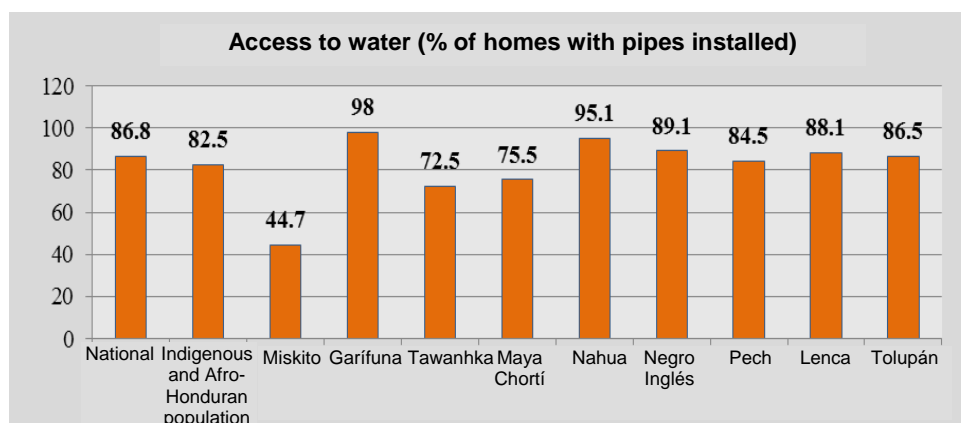
### 2. Basic services

268. Availability and accessibility of water and sewerage services is a key factor in improving conditions for the health and survival of the population, especially children. Around 82.5 per cent of indigenous and Afro-Honduran households have access to drinking water through pipes installed inside or outside their homes, a percentage which is very similar to the national figure of 80 per cent reported by the National Population and Health

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<sup>19</sup> Rudimentary hut housing a large group of persons.

Survey 2005–2006. However, among the Miskito people almost 55 per cent of households do not have water pipes installed, and instead collect water from natural sources.

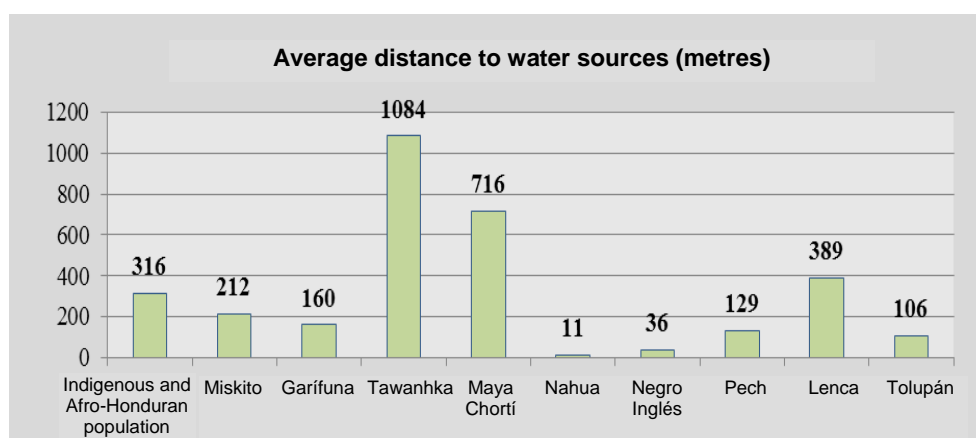


*Source:* State Survey of Indigenous and Afro-Honduran Children, 2011.

*National figure:* National Institute of Statistics. 41st Multi-purpose Household Survey, May 2011.

269. A distance of 100 m between the home and the water source used is considered appropriate. However, among indigenous and Afro-Honduran peoples the distance is considerably greater and presents serious supply difficulties.

270. On average, members of indigenous and Afro-Honduran households must walk a distance of 316 m in order to obtain drinking water; in the case of the Tawahka and the Maya Chortí, the average distance is more than 700 m. These figures reflect the fact that many households obtain drinking water from a water source or spring (natural well).

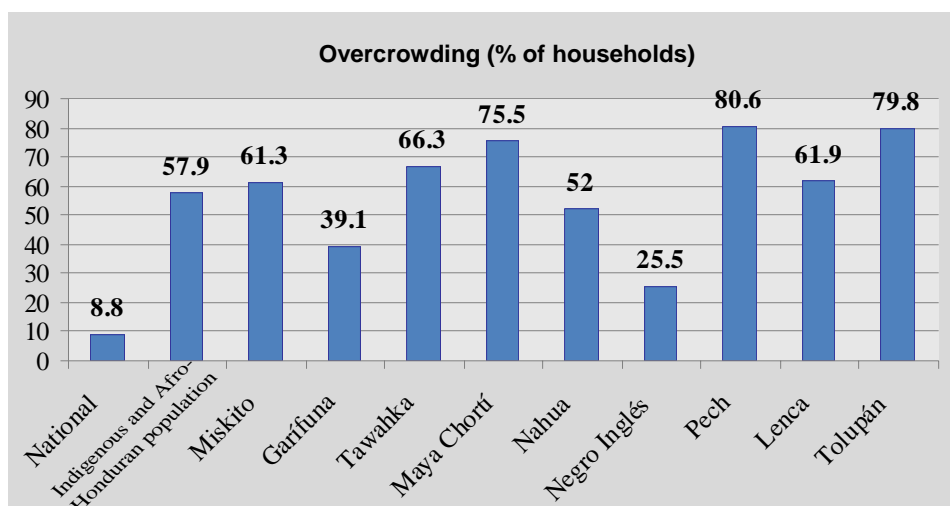


*Source:* State Survey of Indigenous and Afro-Honduran Children, 2011.

*National figure:* National Institute of Statistics. 41st Multi-purpose Household Survey, May 2011.

### 3. Overcrowding

271. Families' limited living and sleeping space puts their physical and mental health at risk; this is especially so for children and young people. It also exacerbates the negative impact of the lack of privacy, which in many cases gives rise to patterns of behaviour that are not socially desirable. Six in 10 indigenous and Afro-Honduran households are overcrowded, and the situation is particularly serious among the Pech, Tolupán and Maya Chortí peoples, where more than 75 per cent of households are overcrowded.

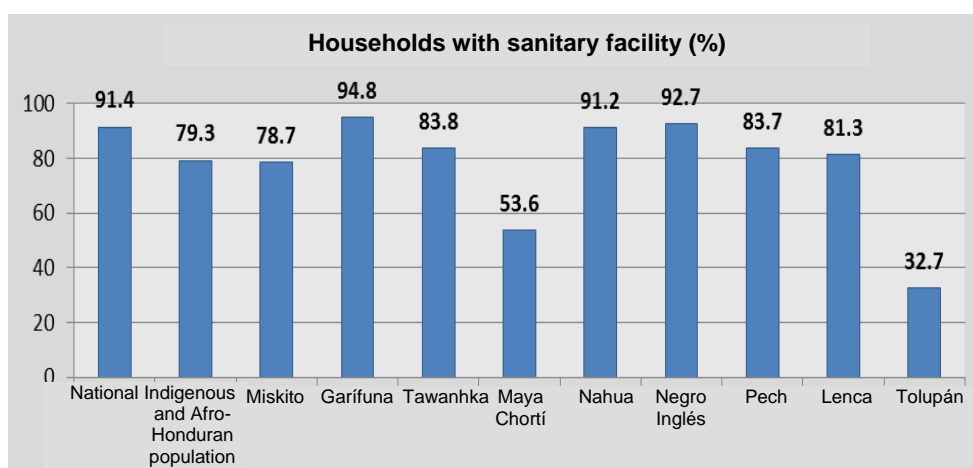


Source: State Survey of Indigenous and Afro-Honduran Children, 2011.

National figure: National Institute of Statistics. 41st Multi-purpose Household Survey, May 2011.

#### 4. Sanitation

272. Some 79.3 per cent of indigenous and Afro-Honduran households have a sanitary facility of some kind: a toilet connected to the sewer system or to a septic tank, or with drainage to a river, a lake or the sea; a latrine that discharges to a river, a lake or the sea; a water-seal latrine; a latrine with a septic tank; or a latrine with a cesspit. This percentage is lower than that reported by the May 2011 Household Survey, which was 91.4 per cent nationally. The Tolupán and Maya Chortí peoples have the lowest percentage of households with access to a sanitary facility, especially the Tolupán, among whom more than 6 in 10 homes lack this basic facility.



Source: State Survey of Indigenous and Afro-Honduran Children, 2011.

National figure: National Institute of Statistics. 41st Multi-purpose Household Survey, May 2011.

273. The high level of availability of sewage disposal systems is a result of ongoing latrine construction projects since 1990 under social welfare programmes such as the Honduran Social Investment Fund.



### **Housing programmes**

274. Faced with the need for housing programmes that would reduce the housing shortage and improve the housing conditions of the most economically disadvantaged sector of the population, the President of the Republic, in the Council of Ministers, adopted Executive Decree No. PCM-39-2006 on 20 October 2006, which established the Public Housing and Solidarity Credit Programme (PROVICCSOL), aimed at providing decent housing and solidarity credit, as part of the social economy, to the poorest sector of the population through solidarity measures. The Executive Decree was amended pursuant to Executive Decree No. 016-2010 of 27 April 2010 and published in the Official Gazette on 14 May of that year.

275. The Public Housing and Solidarity Credit Programme is directly accountable to the Office of the President and is responsible for managing resources and supporting the establishment of national housing policies, monitoring and following up housing construction and improvement projects, and establishing areas of cooperation with other national institutions and programmes.

276. Specifically for the indigenous population, the Public Housing and Solidarity Credit Programme is implementing a housing project for indigenous families in extreme poverty using non-reimbursable funds, the objective of which is to address the housing needs of the most impoverished people in the country, who have no capacity to pay.

277. The project covers the whole of the national territory and its target population is indigenous and peasant families in extreme poverty who have no housing or housing that does not meet the minimum conditions required for human habitation; it is also aimed at families living in high-risk areas.

278. The Public Housing and Solidarity Credit Programme, in association with the San Alonso Rodríguez Foundation (FSAR), initiated a project for the construction of 73 homes for 73 Tolupán families settled in the communities of Plan Grande, Yoro, Santa Cruz and El Portillo, Yorito, all in the Department of Yoro, using non-reimbursable funds totalling 5,585,341.69 lempiras. Each home has living space of 54 m<sup>2</sup>, and an enhanced wattle and daub construction system is used, with a unit value per home of 76,511.53 lempiras.

279. The beneficiaries supply an unskilled workforce and materials found locally on the banks of rivers and streams, such as stone, sand and gravel; they also arrange the haulage of these materials.

### **C. Right to land**

280. Under article 93 of the Property Act, Honduras recognizes the right of indigenous and Afro-Honduran peoples to the lands they traditionally own, where not prohibited by law, since their relationship with the land is of special importance for their cultures and spiritual values.

281. The land ownership rights of these peoples are held collectively. Community members hold rights of tenure and usufruct in accordance with traditional forms of tenure of community property.

282. With regard to forest areas, article 45 of the Forests, Protected Areas and Wildlife Act recognizes the right of indigenous and Afro-Honduran peoples to protected areas situated on the lands they traditionally own, in accordance with national laws and ILO Convention No. 169.

## 1. Agricultural policy

283. The National Agrarian Institute (INA) is the body that oversees the country's agricultural policy; it was established pursuant to Decree Law No. 69 of 6 March 1961, which authorized it to prepare the draft Agrarian Reform Act, which was adopted pursuant to Legislative Decree No. 2 of 26 September 1962 and approved by the Executive on 29 September of that year.

284. The purpose of the National Agrarian Institute is to transform the country's agrarian structure and integrate the rural population into the nation's comprehensive development; its basic function is to provide peasants with land and encourage the organization of beneficiaries with a view to introducing technologies that have the potential to raise the standard of living and boost production, productivity and job creation in rural areas.

285. The National Agrarian Institute, as the agency implementing the State's agrarian policy, carries out measures aimed at claiming the ancestral lands of indigenous and Afro-Honduran peoples on the basis of article 346 of the Constitution of the Republic, which establishes that "it is the duty of the State to take measures to protect the rights and interests of the country's indigenous communities, especially with regard to the lands and forests where they are settled", and on the basis of the right to land recognized under the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169).

286. In order to carry out such measures and to respond in a comprehensive manner to the requests of indigenous and Afro-Honduran peoples, the National Agrarian Institute established within its structure, pursuant to Executive Decision No. 001-2010 of 17 August 2010, the Directorate-General for Indigenous and Afro-Honduran Peoples, which consists of three departments: Legal Advice, Technical Advice and Business Development.

287. One of the Directorate-General's principal responsibilities is the awarding of land title to indigenous and Afro-Honduran peoples in three stages:

(a) Certification: legal recognition of the national or communal area that the communities occupy;

(b) Enlargement: extension of the national or communal area into identified areas that do not interfere with third parties; and

(c) Disencumbrance: payment for the value of the land and of improvements made by non-indigenous occupiers.

288. The Institute has granted indigenous and Afro-Honduran peoples, free of charge, titles to community property, which are the birthright of the respective beneficiary communities. The number of hectares received by each indigenous community is set out below:

(a) Tolupán indigenous communities: awarded 30 communities covering 83,626.21 ha between 1993 and 2011;

(b) Afro-Honduran indigenous communities: awarded 55 communities covering 33,057.23 ha between 1993 and 2007;

(c) Lenca indigenous communities: awarded 294 communities covering 151,389.90 ha between 1993 and 2012;

(d) Miskito indigenous communities: awarded 39 communities covering 56,292.50 ha in 2012;

(e) Tawahka indigenous communities: awarded four communities covering 5,137.62 ha in 1997;

(f) Maya Chortí indigenous communities: awarded 89 communities covering 4,701.89 ha between 1997 and 2012; and

(g) Pech indigenous communities: awarded nine communities covering 8,464.50 ha between 1994 and 2012.

289. With a view to addressing in a comprehensive way the issue of land title affecting the Garífuna and Miskito peoples, Executive Decision No. 035-2001 was adopted on 28 August 2001, establishing the Intersectoral Commission on Certification, Enlargement, Disencumbrance and Protection of the Lands of the Garífuna and Miskito Communities of Honduras, as a government priority in agrarian and environmental policy.

290. The Commission's objective is to guarantee in an effective manner the land ownership rights of the Garífuna and Miskito communities, not only over the lands which are in their possession but also over those that constitute their functional habitat and are considered ancestral under ILO Convention No. 169, and also to protect natural resources and the environment in harmony with families' productive and sustainable work.

291. The aforementioned Executive Decision provides that the Commission shall be made up of titular and alternate representatives from the decision-making levels of the following institutions and organizations:

- National Agrarian Institute;
- Ministry of the Interior and Justice (now the Ministry of the Interior and Population);
- Ministry of Natural Resources and the Environment;
- Ministry of Tourism;
- State Forestry Administration (AFE-COHDEFOR);
- Community Ethnic Development Organization;
- Honduran Black Fraternal Organization; and
- Mosquitia Asla Takanka.

292. Within the ancestral areas claimed and occupied by indigenous and Afro-Honduran peoples, there are non-indigenous occupants with legal documentation accrediting them as legal owners, with whom problems naturally arise when the indigenous and Afro-Honduran people seek their eviction. Therefore the National Agrarian Institute, as a means of claiming their ownership, purchases the lands so that they can be legally awarded to the communities to whom they belong. From 1997 to the present, 9,102 ha have been bought for a sum of 174,233,638.87 lempiras, to be awarded to the Maya Chortí, Garífuna and Tolupán peoples.

293. Through the Directorate-General for Indigenous and Afro-Honduran Peoples, which reports to the National Agrarian Institute, indigenous and Afro-Honduran peoples are supported through legal representation in respect of applications for the awarding of lands, statements, objections and procedures concerning legal personality before the Ministry of the Interior and Population and the Office of the Under-Secretary for Micro, Small and Medium-Sized Enterprises (MYPIMES) in the Ministry of Industry and Trade.

294. A total of 31 participatory analyses have been carried out in Tolupán communities and 60 in Miskito communities; productive financial management projects have subsequently been implemented. To date, funding of 246,000 lempiras has been provided for staple grain cultivation projects for the Maya Chortí people, benefiting 23 communities, and funding of 315,018 lempiras has been provided for projects to boost staple grain production for the Lenca people, benefiting four communities.

295. On 25 March 2012, in the community of Kaukira in the municipality of Puerto Lempira, the National Agrarian Institute awarded the first intercommunity land title in Honduras to the KATAINASTA Federation, which brings together 39 Miskito communities located in the Department of Gracias a Dios, covering an area of 56,000 ha. This was an event without precedent in history.

296. In coordination with the Military Pension Institute, the Joint Chiefs of Staff, the Ministry for Indigenous and Afro-Honduran Peoples, the Community Ethnic Development Organization and the National Agrarian Institute, areas for land swaps have been identified pursuant to article 5 of Executive Decree No. 026-2011 of the Council of Ministers, done at the community of Bajamar, Cortés, which provides for the identification of alternative solutions to the issue of tenure in the Garífuna community of Punta Gorda.

297. A Legislative Decree has been submitted to the National Congress of the Republic authorizing the Office of the Counsel-General — once it has transferred the land located in Las Casitas in the Central District to the Military Pension Institute so that the Institute is considered the sole legitimate owner and once it has received from the Institute the two areas located in the municipality of José Santos Guardiola, Roatán, in the Department of Islas de la Bahía — to transfer the area known as Mariscos Bahía to the Ministry of Defence, and authorizing the Navy to transfer the area known as Punta Gorda to the National Agrarian Institute so that full title can be granted to the Garífuna community of Punta Gorda, represented by the Organization for the Improvement of Punta Gorda. Publication in the Official Gazette is currently pending, prior to certification.

298. In addition, the Ministry of the Interior and Population has processed 300 applications for legal personality for 300 Lenca communities, a legal requirement in order to award them property title.

## **2. Forest resources, protected areas and wildlife**

299. The National Institute of Forest Conservation and Development (ICF) is the implementing agency for national forest conservation and development policy and protected areas and wildlife policy, and it has a number of programmes and projects in these areas aimed at indigenous and Afro-Honduran peoples. One of the most important ones implemented is the Río Plátano Community Land Planning and Environmental Protection Project (PROTEP), which is described below.

## **3. Río Plátano Community Land Planning and Environmental Protection Project (PROTEP)**

300. The purpose of the Río Plátano Community Land Planning and Environmental Protection Project is to improve the management and protection of natural resources in the Río Plátano Biosphere Reserve and its area of influence.

301. The Río Plátano Biosphere Reserve (RHBRP) is one of the most important protected areas in the Meso-American Biological Corridor and the largest and most important in Honduras. It is located in the Departments of Gracias a Dios, Colón and Olancho. The Reserve is divided into the core zone, whose function is the basic protection and conservation of biodiversity, the buffer zone and the cultural zone, which together cover about 833,000 ha.

302. The ancestral population of the Reserve was made up of indigenous and Afro-Honduran peoples of Miskito, Pech, Tawahka and Garífuna origin, and in more recent times ladinos. These indigenous cultures functionally occupy all the land in the cultural zone and some areas in the buffer zone. The population is estimated at 50,000, mostly settled in the cultural zone and particularly in communities scattered along the coastal plain.

Ancestral occupation of these lands is currently the main basis for claiming legal possession of the lands from the State of Honduras.

303. In order to achieve its objective, the Río Plátano Community Land Planning and Environmental Protection Project has four components:

(a) Regularization of land ownership, with a view to asserting the rights of the peoples that inhabit the Reserve over their ancestral lands.

(b) Strengthening of municipalities and local organizations with regard to land registry and regularization.

(c) Funding of investment projects aimed at ensuring that the Reserve maintains its social, economic, environmental and cultural functions.

(d) Monitoring of changes in the biodiversity and ecosystems in the Reserve for the process of certification of the land occupied by indigenous and Afro-Honduran peoples in the cultural zone of the Río Plátano Biosphere Reserve. An inter-agency legal group has been set up, consisting of the National Institute of Forest Conservation and Development, the National Agrarian Institute and the Property Institute (IP), under the legal coordination of the National Institute of Forest Conservation and Development. The main instruments constituting the legal framework are as follows:

- The ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169);
- The Property Act and the Regulations thereunder (in force since 7 May 2011); and
- The Forests Act and the General Regulations thereunder.

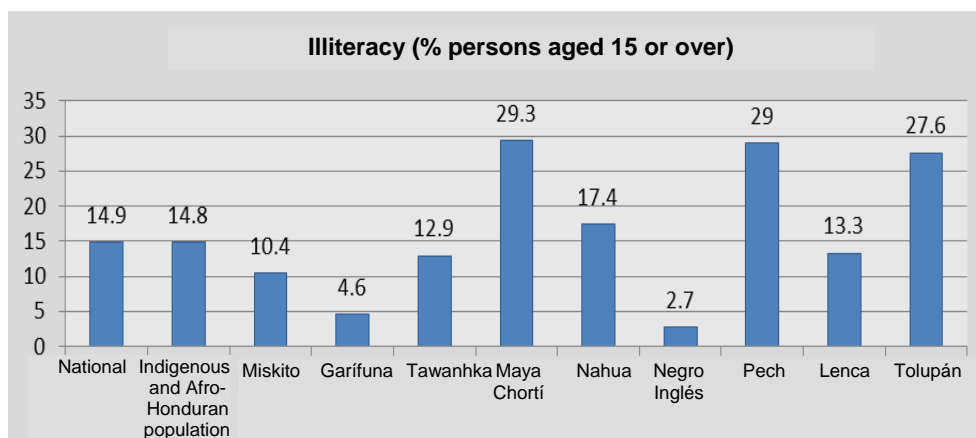
#### **D. Right to education**

304. The Ministry of Education is the State institution in Honduras responsible for guaranteeing quality education services for children, young people and adults based on integrity and contextualization, in line with the constitutional mandate and international conventions; to that end, the Ministry established a special unit in 1994, which is still in operation today, to support and plan education for indigenous and Afro-Honduran peoples: the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups in Honduras (PRONEEAAH).

305. Before reviewing the State's efforts under the Programme, some general points will be made about literacy and school enrolment among indigenous and Afro-Honduran peoples.

306. With regard to low rates of literacy and school enrolment, reference must be made to the most disadvantaged population groups, among which the lowest levels of education are found. Household welfare is closely linked to the level of education of the adult members of the household; the higher their level of education, the greater their employment opportunities and income and consequently the higher their quality of life.

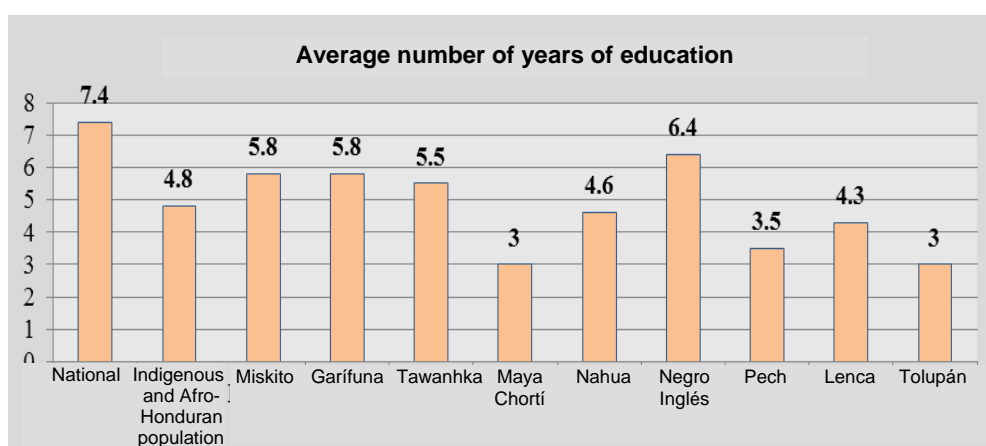
307. The illiteracy rate in the indigenous and Afro-Honduran population is 14.8 per cent, a figure that is practically the same as the national average (14.9 per cent), according to the Household Survey of May 2011. However, there is a high level of illiteracy among the Maya Chortí, Pech and Tolupán peoples, where almost three in 10 persons aged 15 or over cannot read or write.



*Source:* State Survey of Indigenous and Afro-Honduran Children, 2011.

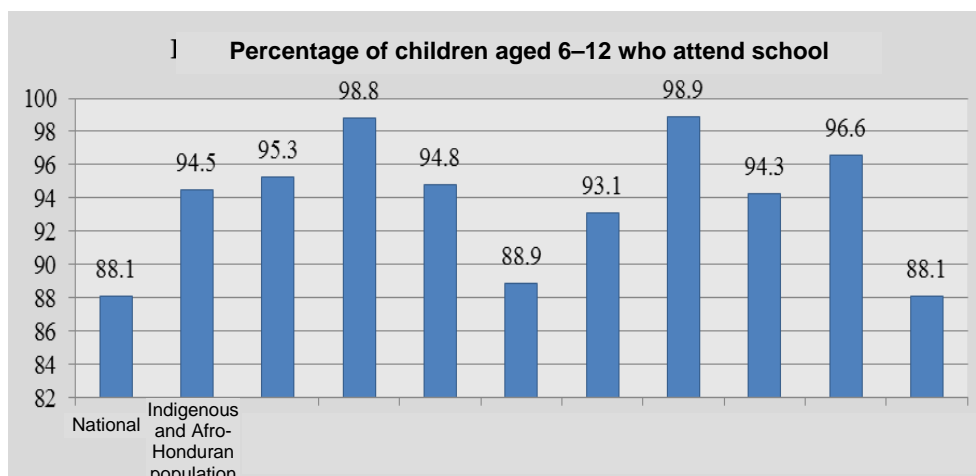
*National figure:* National Institute of Statistics. 41st Multi-purpose Household Survey, May 2011.

308. The average number of years of schooling among indigenous and Afro-Honduran peoples is 4.8, while the May 2011 Household Survey showed that the national average was 7.4 years. The figure is particularly low among the Maya Chortí, Lenca and Tolupán peoples: those who can read and write have not stayed in education beyond the third year of primary school. This contrasts with the Miskito, Garífuna, Tawahka and English-speaking Afro-Honduran population, where those aged 15 and over who can read and write have completed primary education. The national average number of years of education is around 7.4, higher than the figure for indigenous and Afro-Honduran peoples, which varies between 3 and 6.4 years, as shown in the following graph.



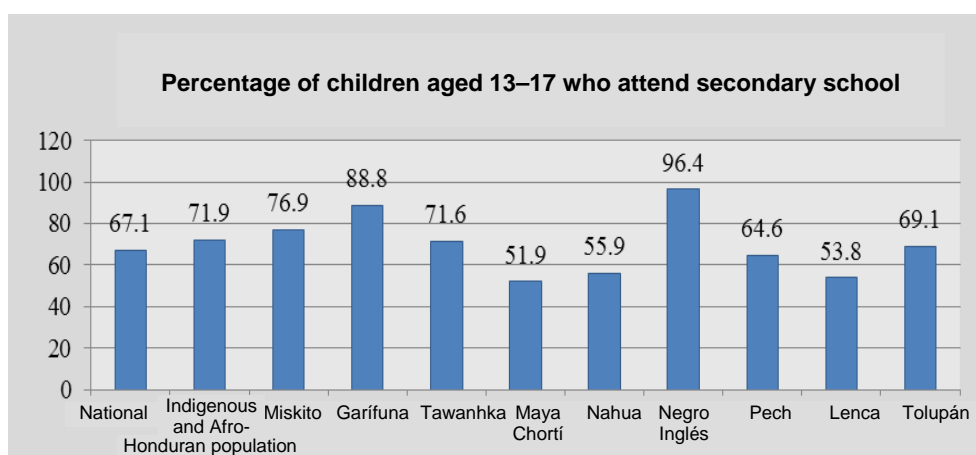
*Source:* State Survey of Indigenous and Afro-Honduran Children, 2011.

*National figure:* National Institute of Statistics. 41st Multi-purpose Household Survey, May 2011.



Source: State Survey of Indigenous and Afro-Honduran Children, 2011.

National figure: National Institute of Statistics. 41st Multi-purpose Household Survey, May 2011.



Source: State Survey of Indigenous and Afro-Honduran Children, 2011.

National figure: National Institute of Statistics. 41st Multi-purpose Household Survey, May 2011.

## 1. The National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups (PRONEEAH)

309. The Confederation of Indigenous Peoples of Honduras and the Ministry of Education signed a cooperation agreement in 1992 with a view to initiating the development of quality bilingual intercultural education. As a result of the agreement, the multicultural and multilingual diversity of Honduran society is recognized pursuant to Executive Decision No. 719-94 of 3 August 1994.

310. Subsequently, pursuant to Legislative Decree No. 93-97 of 6 September 1997, bilingual intercultural education was established as one of the means of preserving and promoting the native culture of Honduras, and it was reaffirmed that bilingual intercultural education would be provided through the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups, which would be accountable to the Department of Special Programmes under the Directorate-General of Student Services in the Office of the Under-Secretary for Education Services of the Ministry of Education and would be

represented by a member of each of the nine indigenous and Afro-Honduran peoples appointed by the federations.

311. Legislative Decree No. 93-97 establishes that bilingual intercultural education aimed at the country's indigenous and Afro-Antillean ethnic groups will be in line with the following policies:

(a) Establishing the historical, sociocultural and linguistic diversity of Honduran society as one of the basic principles for national education and culture, tailoring objectives, policies and strategies to the education of indigenous and Afro-Honduran peoples;

(b) Promoting the revival, strengthening and development of indigenous languages and cultures as part of the process of building and reasserting national identity;

(c) Promoting bilingualism, taking as the starting points people's mother tongue and particular culture and the country's official language, without prejudice to national and universal culture;

(d) Offering comprehensive education that will help to raise the level of human development of the country's indigenous and Afro-Honduran peoples.

312. Since it was set up, the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups has been serving as the technical unit in the Ministry of Education that directs all educational initiatives set out in the bilingual intercultural education (BIE) policy, for indigenous and Afro-Honduran peoples specifically and for the population in general. One notable achievement is that in April 2012 the Programme was upgraded to become the Directorate-General for Multilingual Intercultural Education in the Ministry of Education, with a mandate to give specialized support to the initiatives of indigenous and Afro-Honduran peoples, and the bilingual intercultural education policy in general.

(a) *Principal achievements and beneficiary population groups of the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups*

(i) Adaptation of the National Core Curriculum to the needs of ethnic peoples at the primary and preschool levels

313. The adaptation of the National Core Curriculum for Bilingual Intercultural Education is the result of proposals for education reform in Honduras since 1990 and consultations conducted by the National Forum on Convergence (FONAC). The outlines of the National Core Curriculum for preschool and primary education are the product of contributions from experts in indigenous cultures and consultation with peoples' representatives and leaders, bilingual teachers, preschool education technical staff from the Ministry of Education, technical staff of the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups, and parents.

314. A fundamental factor in the adaptation of the National Core Curriculum was the explicit recognition, on the basis of Honduran law, that historically the mestizo people, seven indigenous peoples and two Afro-Honduran peoples have coexisted in Honduras. Each of these culturally distinct groups is the bearer of its own culture; hence ethnic diversity is matched by cultural diversity.

315. The additional pedagogical requirement to incorporate two or more different cultures into the education process has been met by introducing bilingual intercultural education into the national preschool curriculum and Garifuna, indigenous and islander culture into the primary curriculum, with cultural elements from indigenous and Afro-Honduran peoples.



- (ii) Design and implementation of a bilingual intercultural education model specifically aimed at indigenous and Afro-Honduran peoples

316. The principal starting point for developing relevant and high-quality education is recognition of the diversity of the native peoples present in Honduran territory and recognition of the right of peoples to receive education in keeping with their situation and culture and in their language. The bilingual intercultural education model that characterizes the education system for indigenous and Afro-Honduran peoples is therefore based on respect for and recognition and appreciation of ethnic diversity, with a view to eliminating all forms of racism and discrimination.

317. To that end, 4,500 copies of the bilingual intercultural education model have been printed and distributed to education centres in indigenous and Afro-Honduran communities, and teachers and education authorities have been trained in using and handling the model.

- (iii) Development of texts and teaching material in the languages of indigenous and Afro-Honduran peoples

318. With a view to providing children and young people with relevant and high-quality education, in accordance with the policies set out in the bilingual intercultural education model, texts for the preschool and primary levels up to the first cycle in indigenous languages (Pech, Tawahka, Miskito, Tolupán, Chortí) and Afro-Honduran languages (Garífuna, Isleño) have been developed and distributed with the respective guides for teachers; there are also texts for pupils up to the first cycle of primary education focusing on Spanish as a second language (Pech, Tawahka, Miskito, Tolupán, Maya Chortí, Garífuna, Isleño), based on the bilingual intercultural model approach.

319. Some 176,826 copies of texts in indigenous languages (Pech, Tawahka, Miskito, Tolupán, Chortí, Lenca) and Afro-Honduran languages (Garífuna, Isleño) have been printed with the respective work guides, along with 7,000 copies of Lenca literary works and 5,000 copies of Garífuna works.

320. A total of 110,656 textbooks and guides in indigenous and Afro-Honduran languages and in Spanish as a second language for the fourth, fifth and sixth grades of primary education have been distributed to the Maya Chortí, Garífuna, English-speaking Afro-Honduran, Miskito, Pech, Tawahka and Tolupán peoples.

321. Teaching material has been developed to support the application of the bilingual intercultural education model in schools for indigenous and Afro-Honduran peoples, including bilingual dictionaries and mother-tongue works of literature for the first cycle of primary education for three peoples: the Pech, the Tolupán and the Tawahka (13,500 copies).

322. Dictionaries and grammar books in the Miskito language have been distributed to bilingual intercultural education centres in the Department of Gracias a Dios, and selected general cultural texts have been distributed to 200 libraries in these centres.

- (iv) Mid-level professional training for indigenous and Afro-Honduran people

323. In the first two classes of the bilingual intercultural education teacher-training programme, more than 1,400 primary teachers have been trained in the bilingual intercultural education model. Approximately another 1,400 teachers from the peoples in question are currently receiving training.

324. When the first class of bilingual intercultural education teachers had completed their training, the curriculum in the schools providing the training was adjusted: two components on the bilingual intercultural education model, lasting two years, were added, combining distance and classroom learning. On the basis of experience gained from the first class

(little time spent on bilingual intercultural education methodology and criticism of the duration of training), a new curriculum was designed on the basis of the training schools' plan, dealing with methodology as a cross-cutting factor during the whole process, and also incorporating 15 subjects relating to bilingual intercultural education and extending the training to three years of mixed distance and classroom learning.

- (v) Planning and implementation of training sessions for teachers and education authorities in the use and handling of texts in the languages of indigenous peoples (training for serving bilingual intercultural education teachers)

- a. Training for serving bilingual intercultural education teachers

In all, there are 1,120 preschools and primary schools in the various indigenous and Afro-Honduran communities nationwide; training in the use and handling of texts has been provided to 1,206 teachers from 500 schools, or 45 per cent of the total number of education centres.

- b. Preparation of bilingual intercultural education supplies and procedures

- Preparation of teachers' guides in Spanish on the use and handling of texts in the mother tongue and Spanish as a second language. A total of four guides (preschool and first, second and third grades).
- Preparation and validation of textbooks for the fourth, fifth and sixth grades in seven languages.
- Preparation of educational material to support the application of the bilingual intercultural education model in schools for indigenous and Afro-Honduran peoples, including bilingual dictionaries and works of literature in the mother tongue used in the first cycle of primary education by seven peoples.
- Validation of the ethnographic study for the systematization of the skills and knowledge of eight indigenous and Afro-Honduran peoples: Chortí, Tolupán, Garífuna, Miskito, Tawahka, English-speaking Afro-Honduran, Pech and Lenca.

- (vi) Planning and implementation of diplomas in management and promotion of bilingual intercultural education

325. With the support of the Central American Multilingual Intercultural Education Programme (PROEIMCA), the Diploma in Promotion and Management of Bilingual Intercultural Education, aimed at the technical team of the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups at the central and local levels, was introduced, and 42 individuals graduated; a diploma in action research was also introduced. In February 2009 a diploma in higher education with a focus on bilingual cultural education was launched, and 35 professionals from different areas took the course.

- (vii) Appointments to education centres for indigenous peoples

326. In 2008 the Government appointed 100 teachers to education centres for indigenous and Afro-Honduran peoples.

- (viii) Support for the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups from the Central American Multilingual Intercultural Education Programme

327. The Central American Multilingual Intercultural Education Programme is a regional programme funded by Finland and implemented through the United Nations Development

Programme (UNDP) in close cooperation with the Ministries of Education of Honduras and Guatemala.

328. The Programme has supported the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups through the following measures:

(a) Awarding of 27 scholarships to indigenous and Afro-Honduran students in secondary and higher education. A balance was struck between women, who received 14 of the scholarships, and men, who received 13, and the recipients represented different indigenous and Afro-Honduran peoples: two Maya Chortí, three Pech, five Miskito, five Lenca, one Tolupán, two Tawahka and nine Garífuna. The scholarship holders are students at the Pedagogical University and the National Autonomous University of Honduras, and also the School of Fine Arts, the Pedro Nufio Mixed Teacher-training College and the Intibucá Mixed Teacher-training College.

(b) Introduction of two bilingual intercultural education research diplomas, with endogenous research methodology: action research, 150 hours for each component, with 40 participants: representatives of indigenous and Afro-Honduran peoples, including staff from the central office of the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups, students and graduates of the teacher-training programme, teachers, professors, coordinators and deputy coordinators of the teacher-training programme, and scholarship holders. A diploma in higher education has been introduced for 40 participants: teachers at degree and doctorate level, who form part of the network of indigenous and Afro-Honduran researchers, teachers who currently work in the teacher-training programme at the central office of Olancho, Pech people, Garífuna people, staff of the planning unit, officials of the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups, teachers from the classroom and distance learning systems of the Francisco Morazán National Pedagogical University (UPNFM), teachers from the Pedro Nufio Mixed Teacher-training College, technical and administrative staff from the Central American Multilingual Intercultural Education Programme in Honduras and departmental coordinators from Trujillo and Puerto Cortés.

(c) Training of 180 students from the teacher-training programme for indigenous and Afro-Honduran peoples for accreditation as primary school teachers. The bilingual intercultural education teacher-training programme has provided training for 180 uncertified teachers, accrediting them to teach with a specialization in bilingual intercultural education, thereby raising their professional competence for teaching under that model. The students were Garífuna from San Pedro Sula, Pech from Olancho, and Tawahka and Miskito from Wampusirpi, Gracias a Dios.

(d) Awarding of five scholarships for the postgraduate programme specializing in gender studies at the National Autonomous University of Mexico/Foundation. With a view to building the capacity of teams under the Central American Multilingual Intercultural Education Programme and national counterparts, five indigenous and Afro-Honduran professional women were awarded scholarships for the postgraduate Diploma in Gender Studies in Guatemala.

(e) Awarding of eight scholarships at the bachelor's, master's and doctorate level with a view to strengthening bilingual intercultural education, six at the Francisco Morazán National Pedagogical University, one at the University of Florida, Gainesville (United States of America) and one at the University of Havana.

(f) Awarding of 16 scholarships to promoters of the language and culture of the Maya Chortí people, in order to help raise their level of education and technical skills.

## (ix) Plan for Indigenous Peoples (PPI) with regard to education

329. The Government of Honduras developed the Plan for Indigenous Peoples in order to improve the quality of preschool and multigrade education and to promote governability and accountability in the sector. The most notable achievements of the Plan and the people that have benefited are set out below:

*Component 1*

(a) Training on strengthening bilingual intercultural education (staff of the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups at the central level and bilingual intercultural education coordinators at the departmental level, 34 participants);

(b) Training on the implementation of bilingual intercultural education in education centres, for teachers in education centres for indigenous and Afro-Honduran peoples (81 participants);

(c) Training on strengthening bilingual intercultural education for staff at the local level (44 participants: directors and secretaries);

(d) Organization of 300 community preschools for indigenous and Afro-Honduran peoples;

(e) Distribution of a methodological kit to 60 community preschools;

(f) Training on teaching under the bilingual intercultural education model for 139 volunteer teachers from community preschools in the municipalities of Márcala, La Paz; Copán Ruinas, Copán; Juticalpa, Olancho; Reitoca, Francisco Morazán; and Puerto Lempira, Gracias a Dios;

(g) Training on multigrade techniques for 250 teachers (Honduran Community Education Programme (PROHECO) and bilingual intercultural education) in conjunction with the National Institute for Educational Research and Training (INICE) and the Honduran Community Education Programme (Erandique, Lempira; San Jerónimo, Comayagua; Orica, Francisco Morazán; and Santiago de Puringla, La Paz); and

(h) Training on bilingual intercultural education for 246 teachers (Honduran Community Education Programme and bilingual intercultural education) in conjunction with the National Institute for Educational Research and Training and the Honduran Community Education Programme, in the Departments of Ocotepeque, Copán, Lempira, Santa Bárbara, Intibucá, Yoro, Olancho, La Paz and Comayagua.

*Component 2*

Training for 15 bilingual intercultural education promoters who collaborate in the organization and administration of indigenous bilingual intercultural education schools.

*Component 3*

1. Training in conducting fieldwork for the Diagnostic Census of the Educational Situation of Indigenous and Afro-Honduran Peoples through a workshop in Puerto Lempira attended by 19 census-takers and two supervisors, and another in Comayagua attended by 83 census-takers and seven supervisors.

2. Conduct of the Diagnostic Census of the Educational Situation of Indigenous and Afro-Honduran Peoples in more than 1,802 bilingual intercultural education centres around the country. Of particular note are the centres at the primary and

preschool levels respectively in the Departments of Gracias a Dios (158 and 121), Intibucá (123 and 108) and Comayagua (123 and 101).

- (x) Strategic Plan for the Comprehensive Development of the Indigenous Peoples of Honduras with regard to Education

330. Under this Plan, the Ministry of Education has since 2007 established vocational secondary schools in indigenous and Afro-Honduran communities with the participation of 1,266 bilingual intercultural education primary-school teachers in various seats of local government: Copán Ruinas, El Paraíso, Guanaja, Krausirpi, La Paz, Montaña de la Flor, La Esperanza, Ocotepeque, Olancho, Puerto Lempira, Roatán, San Pedro Sula, La Ceiba, Trujillo, Utila and Yoro.

- (xi) The United Nations Educational, Scientific and Cultural Organization (UNESCO)

331. UNESCO has seven national projects, two of which are directly related to indigenous and Afro-Honduran peoples: “Así Somos” (The Way We Are) and the project for the implementation of a culture of peace and non-violence.

- a. “Así Somos” project

332. In the biennium 2010–2011, UNESCO implemented the “Así Somos” project in conjunction with indigenous communities and the Asociación Libre Expresión (Association for Freedom of Expression), promoting freedom of expression through photography involving girls from four different ethnic groups who, through play, produced photographic documentation of various aspects of their cultural identity.

333. The process promoted the free expression of feelings and thoughts, fostering understanding and respect for the various representations of culture. The project targeted US\$ 25,000 at four rural communities in three different regions of the country (western, Atlantic and eastern) representing four different ethnic cultures: San Francisco de Cones (ladino girls of Maya Chortí descent), Cristales (Garífuna girls), Silín-Moradel (Pech girls) and Benk (Miskito girls).

334. The general objective of the project was to help promote the principles of cultural diversity and multilingual dialogue by training young people and publishing material that would promote intercultural dialogue, with the following specific objectives:

(a) To encourage the social commitment of community leaders, who were trained in photography, tools of expression and work techniques so that they could then become facilitators of the teaching process for young people in their community. Work was conducted with six leaders from four different communities, who were successfully trained and motivated, and thus the objective was fully achieved.

(b) To develop new technical and expressive skills in young people from three different indigenous groups, who participated in a six-month training process, documenting their daily, family and community life through photography. Fifty girls from four different cultures took part in the whole training process, and thus the objective was achieved.

(c) To promote cultural and linguistic diversity among young people in Honduras through a publication that was produced entirely by the young beneficiaries of the project. The publication contains 32 photographs of 32 different girls, and texts in each girl’s language with translations into Spanish. More than six people collaborated in the production of the publication by editing and translating texts, and four people coordinated the design and content.

- b. Project for the implementation of a culture of peace and non-violence in the selected municipalities of Ocotepeque, Roatán, Puerto Lempira and Nacaome

335. Under this project, which was set up for the biennium 2012–2013, training is provided to the education authorities, parents, students, community authorities and civil society in five regions of the country and in selected municipalities with regard to promoting a culture of peace and non-violence through education relating to:

- Training in principles and values;
- Respect for all human rights;
- Democratic participation through the organization of school governments; and
- Understanding, tolerance and solidarity.

336. The population of Puerto Lempira is taking part in this project. UNESCO selected Puerto Lempira as the beneficiary area for the project because it is inhabited by indigenous groups which maintain their way of life in regions of the Río Plátano Biosphere Reserve that contribute to the conservation and sustainable development of this heritage of humanity site.

## E. Right to work

337. The rate of economic participation in Honduras for 2009 was 53 per cent of the total population and the rate among indigenous and Afro-Honduran peoples was 45 per cent, which is worrying for the whole population and especially for indigenous and Afro-Honduran peoples, since it is an indicator of the level of social mobility, economic autonomy and poverty reduction.

338. There are no significant disparities among the various indigenous and Afro-Honduran peoples: the difference between the highest rate (51 per cent for the Maya Chortí) and the lowest (43 per cent for the Miskito) is eight percentage points. That is to say, the peoples are relatively similar to each other and disparities within each people are insignificant on average.

339. With regard to the proportion of the economically active population that is employed and unemployed, there are no significant disparities between peoples in this data set. This reinforces the idea that indigenous and Afro-Honduran peoples are subject to the same structural economic variables and therefore behave in a similar way. The relative differences are minor and do not indicate a clear trend that one people is in a better or worse situation than another, at least in this respect.

### Proportion of the economically active population employed and unemployed, by people

<i>People</i>	<i>Employed</i>	<i>%</i>	<i>Unemployed</i>	<i>%</i>	<i>Total</i>	<i>%</i>
Garífuna	2 964	44	3 793	56	<b>6 757</b>	100
Miskito	4 189	43	5 557	57	<b>9 746</b>	100
Tawahka	397	49	416	51	<b>813</b>	100
Pech	704	46	819	54	<b>1 523</b>	100
Lenca	1 037	49	1 061	51	<b>2 098</b>	100
Nahua	206	46	245	54	<b>451</b>	100

<i>People</i>	<i>Employed</i>	<i>% Unemployed</i>		<i>%</i>	<i>Total</i>	<i>%</i>
Maya Chortí	601	51	584	49	<b>1 185</b>	100
English-speaking black	1 485	48	1 627	52	<b>3 112</b>	100
Tolupán	380	46	451	54	<b>831</b>	100
<b>Total</b>	<b>11 963</b>	<b>45</b>	<b>14 553</b>	<b>55</b>	<b>26 516</b>	<b>100</b>

*Source:* Honduran Social Investment Fund, based on the Survey of Indigenous and Afro-Honduran Households conducted by *Inclusión y Equidad* (Inclusion and Equity) and the National Institute of Statistics, 2010.

340. The category with the most significant implications is the economically active population that is unemployed. In this category, there is no significant variation between groups, but more than half of the indigenous and Afro-Honduran workforce (54.9 per cent) is unemployed. This is worrying because it implies a deterioration of living standards and a decline in quality of life insofar as household income is falling.

341. The level of unemployment in the Maya Chortí workforce is less than 50 per cent (49.3 per cent, to be precise), whereas all the other peoples have a level of unemployment higher than 50 per cent. In this context, it is also noteworthy that 57 per cent of the Miskito workforce is unemployed, the highest level of unemployment in this data set. In the case of both the Maya Chortí people and the Miskito people, there is a need to ask what the reasons for this data pattern might be. Since this issue is very important for individuals' financial autonomy, the economic development of communities and peoples and poverty reduction, this information should be studied in greater depth in the future.

342. The rate of economic participation among younger people is similar for both indigenous and non-indigenous peoples, as shown in the following table.

#### **Rate of economic participation, population as a whole and population aged 15–24**

	<i>Age 15 to 19</i>	<i>Age 20 to 24</i>	<i>Total</i>	<i>Population as a whole</i>
Indigenous (%)	42.7	51.7	<b>46.6</b>	50.2
Non-indigenous (%)	37.0	53.6	<b>44.5</b>	50.8

*Source:* Special census microdatabase procedures using retrieval of data for small areas by microcomputer (REDATAM).

343. The situation is very different with regard to the gender dimension, where there are growing discrepancies between men and women from the various peoples, as shown in the following table.

#### **Distribution of the rate of economic participation by sex**

<i>People</i>	<i>Sex</i>	<i>% of economically active population</i>	<i>Sex differential (%)</i>
Garífuna	Men	52	15
	Women	38	
	<b>Total</b>	<b>44</b>	
Miskito	Men	58	29
	Women	30	
	<b>Total</b>	<b>43</b>	

<i>People</i>	<i>Sex</i>	<i>% of economically active population</i>	<i>Sex differential (%)</i>
Tawahka	Men	74	51
	Women	23	
	<b>Total</b>	<b>49</b>	
Pech	Men	66	39
	Women	27	
	<b>Total</b>	<b>46</b>	
Lenca	Men	65	29
	Women	36	
	<b>Total</b>	<b>49</b>	
Nahua	Men	70	48
	Women	22	
	<b>Total</b>	<b>46</b>	
Maya Chortí	Men	82	64
	Women	18	
	<b>Total</b>	<b>51</b>	
English-speaking black	Men	55	13
	Women	42	
	<b>Total</b>	<b>48</b>	
Tolupán	Men	65	40
	Women	25	
	<b>Total</b>	<b>46</b>	
<b>Total</b>	<b>Men</b>	<b>60</b>	<b>27</b>
	<b>Women</b>	<b>33</b>	
	<b>Total</b>	<b>45</b>	

*Source:* Honduran Social Investment Fund, based on the Survey of Indigenous and Afro-Honduran Households conducted by *Inclusión y Equidad* and the National Institute of Statistics, 2010.

344. Promoting and monitoring compliance with labour law relating to labour rights has been one of the key themes of the annual operational plans of the Programme for Working Women and the Directorate-General of Social Security in the Ministry of Labour. There has not been an opportunity under the Programme for Working Women to work with indigenous and Afro-Honduran populations, but the Ministry of Labour, through the Directorate-General of Social Security, and the National Institute for Women have now signed a cooperation and technical assistance agreement, the main objective of which is to foster mechanisms for the adoption of equitable measures that will generate fair and non-discriminatory opportunities, facilitating access, promotion and stability for women in employment in decent working conditions.

345. In the cooperation agreement, the third clause relating to the parties' joint responsibilities provides for the formulation of an employment plan for 2011–2012, which



is under way and is aimed at the social protection of vulnerable groups: the Programme for Working Women, child labour, HIV/AIDS, migrants and ethnic groups.

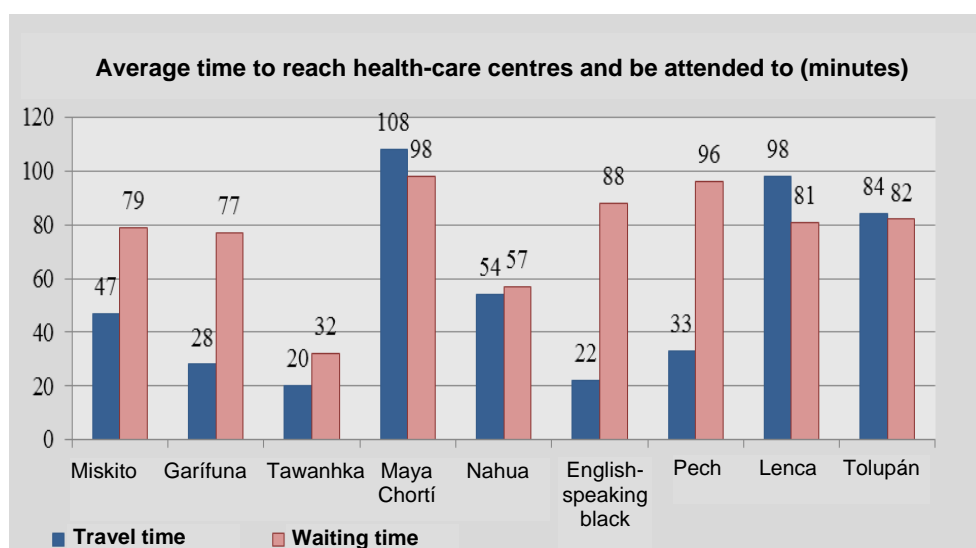
## F. Right to health

346. *Health situation of indigenous and Afro-Honduran peoples:* The health situation of these peoples is poor, usually because of their marginalization and geographical isolation; a number of indicators of their enjoyment of the right to health are set out below.

347. *Access to health services:* Access to appropriate health services when needed is crucial to preserving health, particularly that of children, and is heavily dependent on the availability of health infrastructure and medical services in indigenous communities. As shown in the following table, public health services (hospitals, health centres with a doctor (CESAMO) and rural health centres (CESAR)) are practically the only option for the treatment of illnesses affecting indigenous and Afro-Honduran children and the indigenous and Afro-Honduran population as a whole.

Category	Miskito	Garífuna	Tawahka	Maya Chortí	Nahua	Negro Inglés	Pech	Lenca	Tolupán
Ministry of Health hospital	82.5	4.5	1.3	3.3	9.5	36.6	2.6	6.5	10.4
Honduran Social Security Institute (IHSS) hospital	1.6	0	0	0	0	0	0	0	0.9
Hospital/private clinic	3.2	2.5	0	9.8	22.6	15.9	3.7	2.8	6.6
Mother and child clinic	1.6	0	0	0	0	0	0.5	0	0
Health centre with doctor	9.5	87.6	96.3	78.7	60.7	42.7	50.5	72	53.8
Rural health centre	1.6	3	2.5	1.6	2.4	3.7	42.1	11.2	28.3

348. *Distance to health centres:* The distance from communities to health-care centres varies greatly depending on the people in question. In Maya Chortí communities, for example, it takes an average of 1.8 hours to reach the nearest health centre, whereas for the Negro Inglés people, all of whom live in urban areas, it takes barely 22 minutes to reach medical assistance.

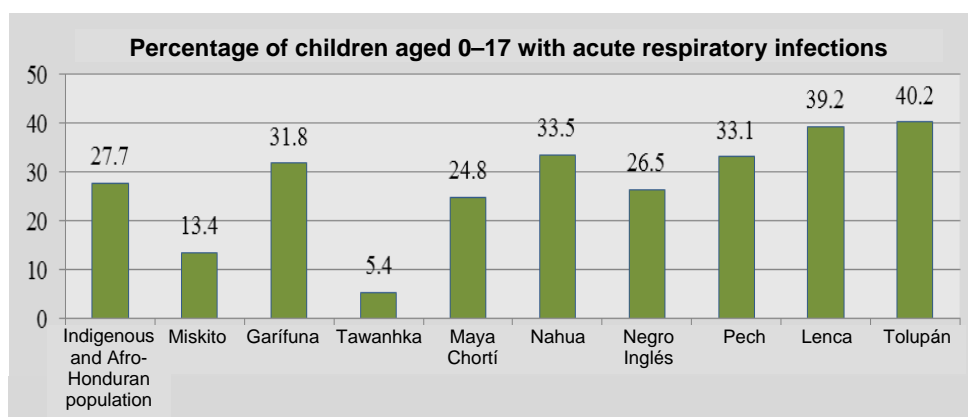


Source: State Survey of Indigenous and Afro-Honduran Children, 2011.

349. *Drinking water:* As mentioned in the section on housing, 82.5 per cent of households with children have pipes installed (inside or outside the home) for obtaining drinking water, although this does not mean that the water is fit for human consumption. Of course, there are sharp contrasts between the various indigenous and Afro-Honduran communities. For example, while the proportion of Miskito households without pipes installed is extremely high (55.3 per cent), the figures are minimal for the Nahua (4.9 per cent) and the Garífuna (2 per cent).

350. *Availability of sanitary facilities:* Availability of and access to appropriate sewage disposal systems undoubtedly affects the conditions for the survival of the population, especially children. Overall, 79.3 per cent of indigenous and Afro-Honduran households have this basic service, which is slightly higher than the 69.5 per cent reported by the Health Survey 2005–2006 for rural areas. However, there are still marked differences among peoples: for some, such as the Maya Chortí and the Tolupán, the percentage of households without a sanitary facility is more than 40 per cent.

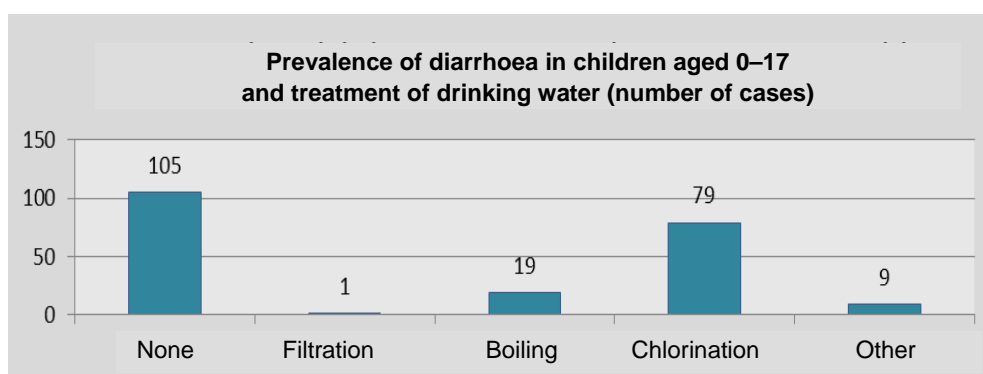
351. *Acute respiratory infections:* Among indigenous and Afro-Honduran peoples, acute respiratory infections are some of the most common childhood illnesses, reaching levels of up to 28 per cent. The prevalence of these infections is especially serious among Nahua children (33.5 per cent), Garífuna children (31.8 per cent), Lenca children (39.2 per cent) and Tolupán children (40.2 per cent), where it has reached alarming levels.



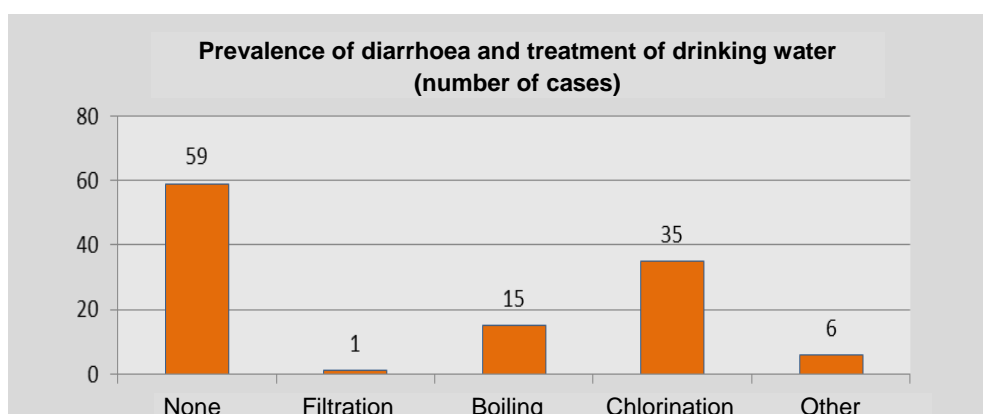
Source: State Survey of Indigenous and Afro-Honduran Children, 2011.

352. *Diarrhoea:* Another illness associated with gastrointestinal infections that has a major impact on indigenous and Afro-Honduran children is diarrhoea. This applies especially to Tawanhka children, 27.9 per cent of whom are affected, in particular because they live in households where the water is not treated at all before being drunk.

353. When cases of diarrhoea in children aged 0–5 are grouped according to the way in which the drinking water in their households is treated, it is clear that the number of cases of children with diarrhoea is much higher in those households where the water is drunk without being treated first.

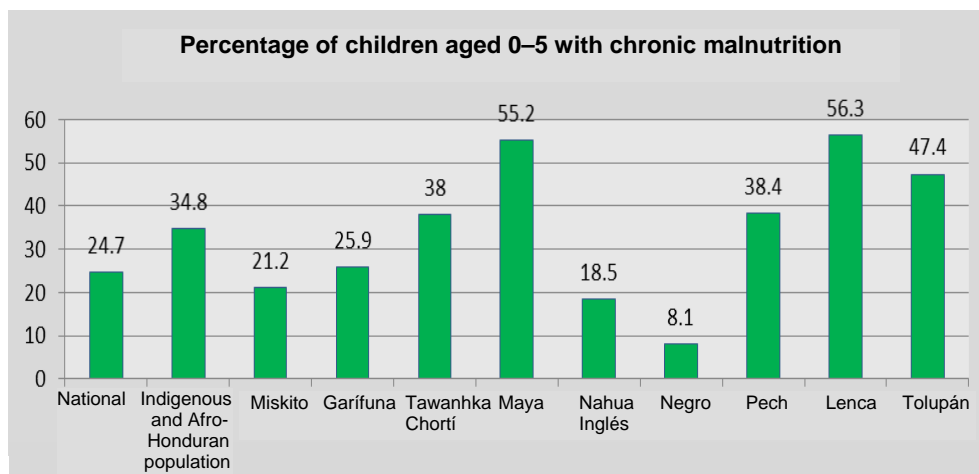


Source: State Survey of Indigenous and Afro-Honduran Children, 2011.



354. *Chronic malnutrition:* Malnutrition is a problem that has multiple causes, such as inadequate diet, nutritional diseases, food insecurity in the home, child-rearing practices, eating habits and lack of access to health services, among others. Chronic malnutrition has long-term consequences, the most obvious being reduced adult height. However, it also reduces intellectual capacity, economic productivity and reproductive performance and encourages the incidence of metabolic and cardiovascular diseases.

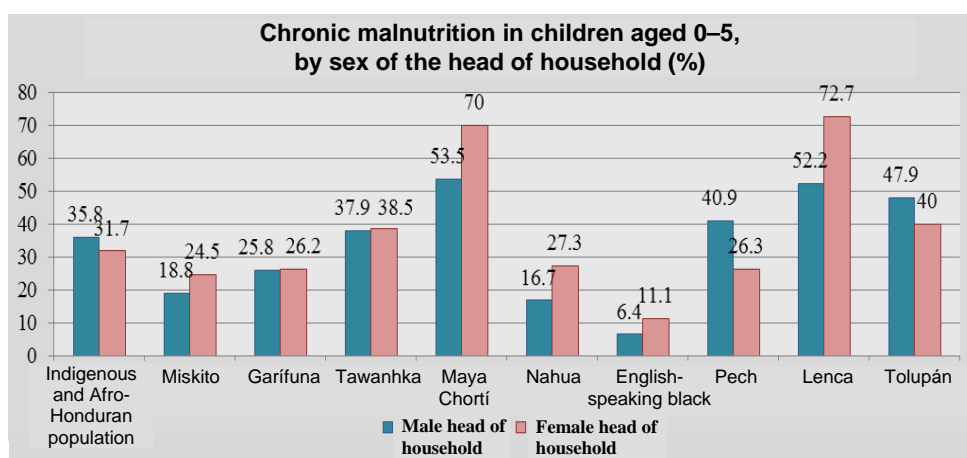
355. Children with chronic malnutrition, as can be seen, have a number of problems that affect their ability to learn in school. The State Survey of Indigenous and Afro-Honduran Children 2011 provided information for the first time on the nutritional status of indigenous and Afro-Honduran children aged 0–5 according to three anthropometric indicators: chronic malnutrition (height for age), acute malnutrition (weight for height) and overall malnutrition (weight for age).



*Source:* State Survey of Indigenous and Afro-Honduran Children, 2011.

*National figure:* National Population and Health Survey, 2005–2006.

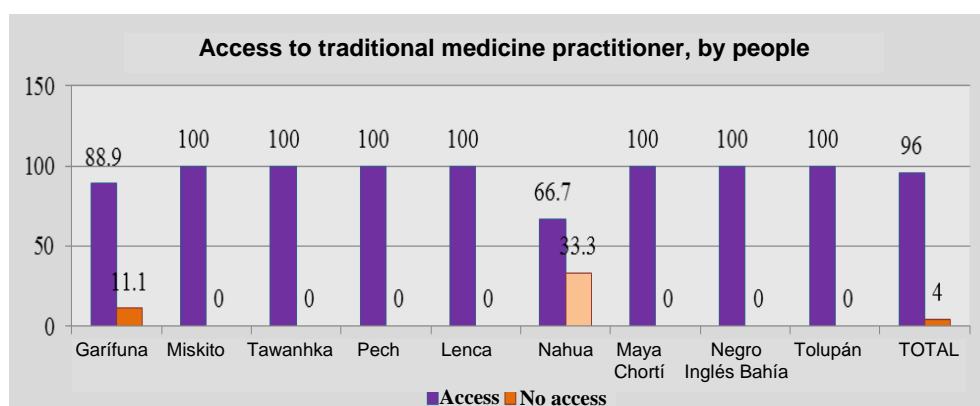
356. Chronic malnutrition affects on average 34.8 per cent of indigenous and Afro-Honduran children under 5, a figure that is significantly higher than the 24.7 per cent reported by the National Population and Health Survey 2005–2006. The phenomenon is particularly serious among Lenca and Maya Chortí children, where levels of chronic malnutrition of more than 55 per cent are reported. Among the Maya Chortí, Nahua and Lenca peoples, the percentage of children with chronic malnutrition is substantially higher in those households headed by women, where the capacity for obtaining food is probably much lower and food is more difficult to obtain.



*Source:* State Survey of Indigenous and Afro-Honduran Children, 2011.

357. *Access to traditional medical care:* Indigenous and Afro-Honduran peoples' access to traditional medical care was measured according to whether there was a practitioner of indigenous traditional medicine in or near the village or place where they lived. According to the Community Survey carried out by *Inclusión y Equidad* and the National Institute of Statistics in 2010, the vast majority of villages included in the sample have some access to traditional medicine; only 4 per cent have no traditional medicine practitioner living in or near the village.

358. Data disaggregated by people shows that only the Nahua (33.3 per cent) and the Garífuna (11.1 per cent) lack full access to traditional medicine practitioners. This may reflect a decline in the practice of traditional medicine or access problems associated with the distances between practitioners or other access issues.



Source: Based on the Community conducted by *Inclusión y Equidad* and the Honduran National Institute of Statistics, 2010.

359. As can be seen from the above graph, the traditional medicine practitioners most commonly present in the communities in question are *sobadores* and midwives, at 92 per cent and 90 per cent respectively in villages with access to these forms of traditional medicine.

360. Folk healers are fewer in number but access to them is significant: 60 per cent of the communities surveyed have access to them, while fewer than a quarter have access to shamans and witches, although those numbers are still considerable, reaching 22 per cent and 18 per cent respectively.

361. *HIV/AIDS*: Between 1985 and April 2012, a total of 30,334 cases of HIV/AIDS were recorded in Honduras. Of these, 47 per cent were women and 67 per cent were persons aged between 20 and 39. The geographical areas with the highest rates of prevalence were Islas de la Bahía, Atlántida, Cortés and Colón, and the cities with the highest number of cases were San Pedro Sula, La Ceiba, Tela, Trujillo and Puerto Cortés. In all these places there are high concentrations of Garífuna population.

362. A zero-prevalence and behaviour survey (ECVC) conducted in 2006 among the Garífuna population reported HIV/AIDS prevalence of 5 per cent. The figure was 4.4 per cent in urban areas and 4.6 per cent in rural areas. The prevalence among men was 3.8 per cent and among women 5.1 per cent. There was also a high prevalence of sexually transmitted diseases: 51.1 per cent for herpes simplex virus 2 (HSV-2), 3.2 per cent for syphilis, 1.1 per cent for gonorrhoea, 6.8 per cent for chlamydia and 10.5 per cent for trichomoniasis. One third of the population surveyed reported that they had become sexually active before the age of 14. A total of 29 per cent of women and 36 per cent of men stated that they had had multiple partners over the past year. Condom use in casual sexual relations was reported at 40 per cent.

363. Between 2005 and 2010, the Ministry of Health implemented comprehensive care services for persons affected by or infected with HIV in all the cities mentioned, and specifically in three Garífuna communities: Zambo Creek, Trujillo and Limón, where there are three comprehensive care centres (CAI) currently providing care to an average of 191 persons with HIV/AIDS, including the Garífuna population. The Ministry of Health allocates an average annual budget of 1,074,426 lempiras to these three centres for the purchase of antiretroviral medicines. The medical and auxiliary staff of the centres have

been trained in comprehensive HIV/AIDS care, the management of opportunistic infections, adherence to antiretroviral therapy, self-care and other issues relating to the quality of care. There are currently 41 comprehensive care centres for HIV/AIDS around the country.

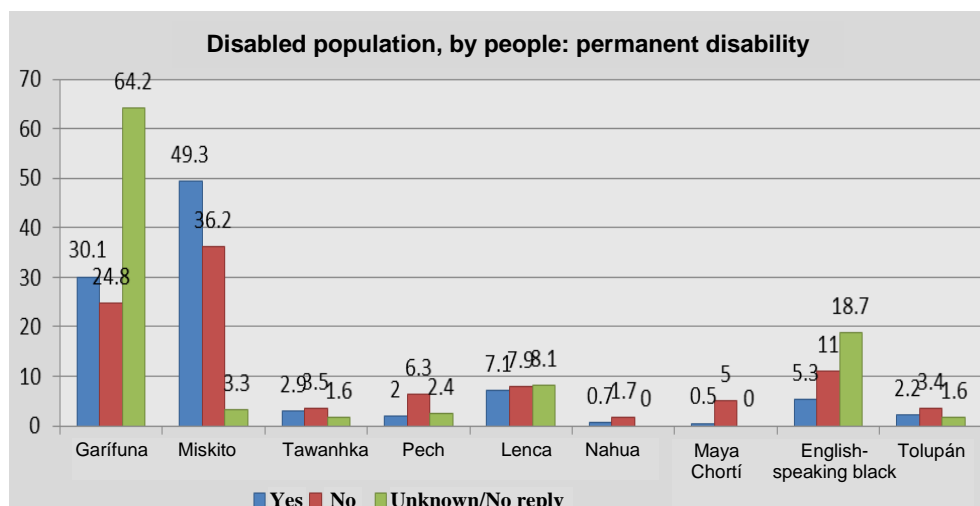
364. In the past 10 years, interventions for prevention and control have been carried out in the Garífuna communities most affected by the epidemic under projects financed by the Global Fund and the United States Agency for International Development (USAID). Non-governmental organizations from these communities take part in the interventions through a participatory process, with account taken of their own culture. A community strategy for behavioural change has been carried out in the past five years with broad community participation, involving more than 14,000 Garífuna with the Francisco Morazán project.

365. A new Sentinel Survey of Sexual Behaviour and Prevalence of HIV and Sexually Transmitted Diseases in the Garífuna Population (ECVC-2 – 2012) is currently being conducted; up-to-date data are expected by early next year.

366. The aforementioned strategies for behavioural change are affected by cultural differences in the case of some indigenous peoples, such as the Tolupán and the Tawahka, who believe that assimilating the practice of condom use could cause them to die out, since they are peoples with a population of fewer than 10,000.

## G. Situation of persons with disabilities

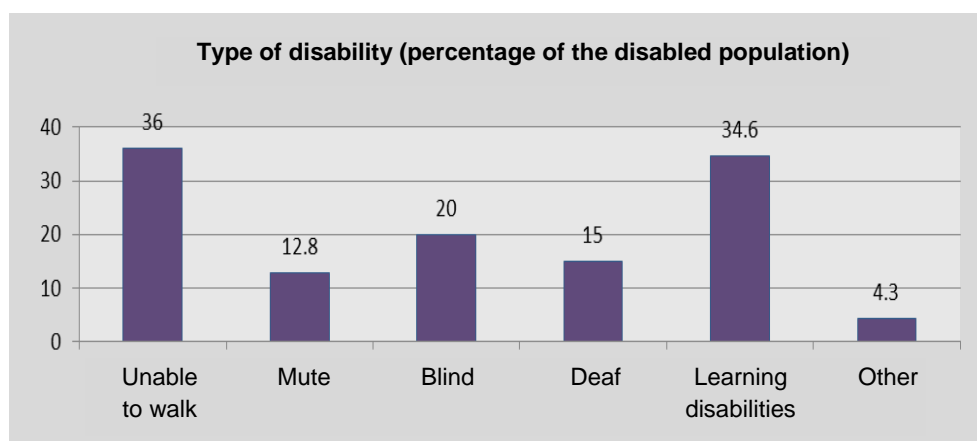
367. The indigenous and Afro-Honduran population accounts for no more than 2 per cent of the total number of persons with disabilities in Honduras, i.e. approximately 552 persons, according to the Survey of Indigenous and Afro-Honduran Households carried out by *Inclusión y Equidad* and the National Institute of Statistics in 2010. Among those peoples reporting permanent disability, the Miskito are particularly affected, as can be seen from the following graph, which shows that they account for 49 per cent of the disabled indigenous and Afro-Honduran population.



Source: Based on the Survey of Indigenous and Afro-descendent Households conducted by *Inclusión y Equidad* and the Honduran National Institute of Statistics, 2010.

368. Disability may have various causes. Some 36 per cent of the disabled population have mobility problems, followed by around 35 per cent who have learning difficulties, which may take the form of a mental disability, syndrome or impairment.

369. Of those disabilities relating to the loss or absence of one of the senses, blindness is the most common, affecting 20 per cent of the disabled population. Hearing and speech difficulties are in last place at 15 per cent and 13 per cent respectively.



*Source:* Based on the Survey of Indigenous and Afro-descendent Households conducted by *Inclusión y Equidad* and the Honduran National Institute of Statistics, 2010.

370. Around 1 per cent of indigenous and Afro-Honduran children and young people have some kind of disability, notably blindness, a mental disorder, muteness, loss of a limb or deafness. This percentage is similar to the national average, although in the case of the Miskito people the proportion of children and young people with a disability is larger, probably because of the diving activity in which they engage without any kind of physical protection or institutional regulation. It is noteworthy that 36.8 per cent of children with disabilities do not attend any educational institution and in many cases live from begging.

## H. Right to food security

371. The Act on the Establishment of a Vision for the Country and the Adoption of a Plan for the Nation for Honduras establishes as national priority objectives and goals the attainment of a Honduras without extreme poverty, educated and healthy, to which end it provides for the organization and structure of a process of planning of economic, political and social development with broad participation by civil society, ensuring that it is inclusive and participatory.

372. On the basis of the objectives and goals of the Vision for the Country and the Plan for the Nation, it was considered necessary to create a legal and regulatory framework for food and nutrition security measures that is integrated in the new development model with a view to improving the effectiveness and efficiency of interventions aimed at ensuring the full exercise by the Honduran population of the human right to adequate food, in accordance with the relevant human rights principles and standards. Accordingly, Legislative Decree No. 25-2011 of 21 March 2011 was issued; it contains the Food and Nutrition Security Act, which structures, harmonizes and coordinates government measures aimed at achieving food and nutritional security, which will help improve the quality of life of the Honduran population, giving priority to the most vulnerable groups.

373. Specifically, with regard to Honduras's efforts, the Council of Ministers approved the Executive Decree establishing the National Policy on Food Security, which is

implemented through projects and programmes aimed at promoting food security for the Honduran population initiated by the Office of the President and the Ministry of Agriculture and Livestock, such as those mentioned below.

### **1. School meal programme**

374. This programme was initiated by the Office of the President; it is one of the country's most effective social programmes and certainly has the broadest coverage. It has improved the nutrition of preschool and primary school children through the provision of a school meal, funded by a direct transfer from the World Food Programme (WFP) of about US\$ 25 million, which has benefited 1,404,101 children, who receive a daily meal for 150 days of the school year in rural areas and 75 days in urban areas. In addition, more than 600,000 students receive a glass of milk.

375. While the coverage of the programme is certainly universal, it should be emphasized that it provides total coverage in the Departments of La Paz, Intibucá, Lempira and Santa Bárbara, where the Lenca indigenous people live; the municipalities of Dulce Nombre de Culmí, Santa María del Carbón and San Esteban, all of which are in Olancho; Trujillo, Colón, where the Pech indigenous people are concentrated; the municipalities of Puerto Cortés, Tela, La Ceiba and Trujillo, where the Garífuna people are mainly concentrated; the Department of Gracias a Dios, where the Miskito indigenous people are concentrated; the municipalities of Morazán, El Negrito, Victoria, Yorito, Yoro, Olanchito, Marale and Orica, where the Tolupán indigenous people are concentrated; the municipalities of Copán Ruinas and Santa Rita in Copán and the municipalities of Ocotepeque and Sensenti in Ocotepeque, where the Maya Chortí indigenous people are concentrated; the municipalities of Dulce Nombre de Culmí and Irión and the Department of Gracias a Dios, where the Tawahka indigenous people live; the municipalities of Catacamas, Gualaco, Guata and Jano in Olancho, where the Nahua indigenous people are still concentrated; and lastly the municipalities of Roatán, Utila, Guanaja and Santos Guardiola, where the English-speaking Afro-Honduran people are concentrated.

### **2. Production solidarity vouchers**

376. This project provides an incentive and a form of social welfare for small producers of staple grains and is aimed at contributing to the food security of the rural population and improving their quality of life through the use of appropriate technologies that increase staple grain production and output, generate surpluses for the market and boost income, and also through the supply to producers of improved seeds and enough fertilizer for a hectare of maize, beans or rice.

377. These production solidarity vouchers have benefited a total of 3,199 families: 1,711 Lenca families, 397 Tolupán families and 1,091 Miskito families.

### **3. Project to Improve the Competitiveness of the Rural Economy in the Department of Yoro (PROMECOM)**

378. This Project is aimed at improving the standard of living in rural areas by guaranteeing families' food security through the implementation of production and non-production projects that generate employment and income so that families have access to basic foodstuffs.

379. Production projects have been implemented in particular with the Tolupán population in Yoro, involving pine needle crafts in Yorito, in the municipality of Yoro. Six projects for this population (different tribes or organizations) are currently in the process of being approved, with the aim of ensuring healthy housing: construction of eco-stoves, upgrading of floors, roofs, latrines, drinking water and food security with family kitchen



gardens and staple grain cultivation. The cultivation of *moringa*<sup>20</sup> for consumption has been promoted as a means of improving food security. Housing has also been improved, encouraging more healthy living conditions in particular for families where a woman is the head of the household.

#### 4. National Fisheries and Aquaculture Programme (PRONAPAC)

380. The National Fisheries and Aquaculture Programme is the unit of the Directorate-General of Fisheries and Aquaculture (DIGEPESCA) in the Ministry of Agriculture and Livestock that is responsible for administering fishery, maritime and inland resources with regard to aquaculture, research, protection of hydrobiological species and national fisheries policy. The Directorate has competence at the national level, in particular with regard to the Honduran Caribbean, the Gulf of Fonseca, inland waters, Lake Yojoa and the Francisco Morazán reservoir, where industrial and non-industrial fishing and aquaculture activities take place.

381. Under the Programme, work is being done with an inter-agency commission made up of the Office of the Counsel-General of the Republic, the Ministry for Indigenous and Afro-Honduran Peoples, the Ministry of Education, the Ministry of Health, the Ministry of Agriculture and Livestock, the Honduran Navy and the Ministry of Security to ensure that all the rights of indigenous peoples set out in ILO Convention No. 169 are respected.

382. Some notable achievements of the Programme are as follows:

(a) Workshops have been held in Puerto Lempira, La Ceiba and San Pedro Sula for the purpose of presenting projects and programmes offered by the Ministry of Agriculture and Livestock as economic alternatives for the development of Mosquitia. The aim is to end lobster diving permanently from 1 July 2013, and the State therefore has a duty to put forward a plan of economic alternatives. In this regard, UNDP has conducted a study of zoning in the Caratasca Lagoon with a view to identifying the most suitable areas for the exploitation of other alternative marine species that are economically significant.

(b) A cooperation agreement has been signed by the Ministry of Agriculture and Livestock, the organization Mosquitia Asla Takanka and the company Sun Gold and is being implemented in Mosquitia with a view to diversifying production activities and improving the quality of life in communities in the coastal area of Mosquitia, specifically in the municipality of Puerto Lempira, through the direct participation of the communities in a process of research on jellyfish and non-industrial jellyfish fishing.

#### 5. Programme to Promote Rural Businesses (PRONEGOCIOS)

383. The Ministry of Agriculture and Livestock, in conjunction with the National Programme of Sustainable Rural Development (PRONADERS), launched the Programme to Promote Rural Businesses (PRONEGOCIOS Rurales) under loan contract 1919/BL-HO, approved by the National Congress of the Republic pursuant to Legislative Decree No. 159-2006, signed by the Government of Honduras and IDB. The Programme offers production-related and financial support aimed at promoting economic development in rural areas, within a framework of objectives, policies and strategies for the reduction of poverty and extreme poverty in Honduras.

384. The purpose of the Programme is to increase the income of rural households living in poverty or extreme poverty through the co-financing of plans for agricultural and non-agricultural businesses that are coordinated with production chains and rural group micro-business subprojects; activities under the Programme are aimed at strengthening

<sup>20</sup> Plant that supplements the diet, as it is rich in carbohydrates and other nutrients.

suppliers of rural business services, co-financing production projects of rural businesses that are coordinated with production chains and have viable business plans, and supporting complementary policies and programmes.

385. Under the Programme, public-private investment projects worth 20 million lempiras have been implemented in agro-industrial businesses in Afro-Honduran communities in the Department of Colón; feasibility studies have been conducted for public-private investment projects worth 32 million lempiras, for implementation in communities in Mosquitia; and feasibility studies have also been conducted in relation to public-private investment worth 20 million lempiras for the implementation of fishery projects and agro-industrial businesses with indigenous and Afro-Honduran populations.

## 6. Rural Competitiveness Project (COMRURAL)

386. The Government of Honduras, through the Ministry of Agriculture and Livestock, is implementing the Rural Competitiveness Project with financial support from the World Bank and the Swiss Agency for Development and Cooperation (SDC). The Project has a duration of five years and its purpose is to increase the competitiveness of organized producers by involving them in productive partnerships within value chains, with the ultimate aim of increasing their income by strengthening agricultural and non-agricultural businesses so as to ensure food security for indigenous families in the Departments of Comayagua, La Paz, Intibucá, Santa Bárbara, Lempira, Copán and Ocotepeque.

387. The Project has benefited 392 families with approved business plans, 103 of which are indigenous families: 42 Lenca families and 61 Maya Chortí families; they have been trained in the preparation of business profiles and plans.

## I. Right to culture: culture and tourism with respect for the identity of indigenous and Afro-Honduran peoples

388. The main identifying cultural features of indigenous and Afro-Honduran peoples are as follows.

### Main identifying cultural features of indigenous or Afro-descendant peoples, by people

<i>People</i>	<i>Land or territory</i>	<i>Traditions</i>	<i>Language</i>	<i>Ceremonies and festivals</i>	<i>Descent</i>	<i>Form of child-rearing</i>
Garífuna	284 13.9%	423 20.8%	961 47.2%	25 1.2%	48 2.4%	295 14.5%
Miskito	457 22.3%	261 12.7%	946 46.1%	14 0.7%	186 9.1%	188 9.2%
Tawahka	34 23.3%	1 0.7%	67 45.9%	0 0%	34 23.3%	10 6.8%
Pech	50 18.8%	21 7.9%	105 39.5%	4 1.5%	33 12.4%	53 19.9%
Lenca	82 25%	127 38%	5 2%	28 8%	69 21%	24 7%
Nahua	22 30.1%	2 2.7%	10 13.7%	0 0%	12 16.4%	27 37.0%

<i>People</i>	<i>Land or territory</i>	<i>Traditions</i>	<i>Language</i>	<i>Ceremonies and festivals</i>	<i>Descent</i>	<i>Form of child-rearing</i>
Maya Chortí	121 39.2%	93 30.1%	37 12.0%	10 3.2%	40 12.9%	8 2.6%
English-speaking black	22 5.9%	59 15.9%	131 35.2%	1 0.3%	63 16.9%	96 25.8%
Tolupán	116 64.4%	10 5.6%	10 5.6%	1 0.6%	21 11.7%	22 12.2%
<b>Total</b>	<b>1 188</b> <b>20.6%</b>	<b>997</b> <b>17.3%</b>	<b>2 272</b> <b>39.4%</b>	<b>83</b> <b>1.4%</b>	<b>506</b> <b>8.8%</b>	<b>723</b> <b>12.5%</b>

389. As can be seen from the above table, language is an important element of the identity of indigenous and Afro-Honduran peoples; figures relating to daily language use are set out below.

#### **Main/daily language use**

<i>People</i>	<i>Spanish (%)</i>	<i>Mother tongue (%)</i>	<i>English (%)</i>
Garífuna	22.5	77.8	0.0
Miskito	10.0	90.0	0.0
Tawahka	0.0	100.0	0.0
Pech	75.0	25.0	0.0
Lenca	100.0	0.0	0.0
Nahua	100.0	0.0	0.0
Maya Chortí	100.0	0.0	0.0
English-speaking black	0.0	66.7	33.3
Tolupán	100.0	0.0	0.0
<b>Total</b>	<b>54.0</b>	<b>44.0</b>	<b>2.0</b>

*Source:* Based on the Survey of Indigenous and Afro-descendant Households conducted by *Inclusión y Equidad* and the National Institute of Statistics, 2010.

### **1. Recognition of the English-speaking Afro-Honduran presence in Honduras**

390. With regard to English-speaking Afro-Honduran peoples, the first domestic legal instrument that recognized their contributions and their presence in the nation's life and development was Legislative Decree No. 70-96, which declared 1997 the Garífuna Bicentenary and 12 April each year from that year onwards the Day of Afro-Hondurans in Honduras, thus establishing an important opportunity for participation that helps to remedy the historical invisibility of the Honduran community of African descent and its contributions to the nation's development.

### **2. African Heritage Month**

391. In the same spirit of raising the profile of the Afro-Honduran population and their contribution to the nation's development, the National Congress of the Republic, pursuant to Legislative Decree No. 330-2002 of 24 December 2002, declared the month of April each year African Heritage Month in Honduras, during which cultural events of various

kinds are held to raise awareness of the richness of African culture and its contributions to the development of Honduran society and culture.

392. The Government also adopted Executive Decree No. PCM-003-2011 in the Council of Ministers, which provided for the celebration in Honduras of the International Year for People of African Descent in 2011.

### **3. Project to strengthen local cultural identity**

393. The main purpose of this project is to enable communities to adopt by agreement those cultural events that are or may be regarded as examples of the cultural heritage. As a result of work carried out under the project, iconographies of the communities of Yamaranguila, Trujillo and Jesús de Otoro have been published, providing each municipality with relevant examples.

### **4. Caribbean Cultural Corridor**

394. At the regional level, ministers and senior officials from the ministries of culture of Central America and the Dominican Republic agreed on 24 January 2011 in San José, Costa Rica, to establish the Caribbean Cultural Corridor as a project that would respond to the important need to promote cultural diversity and reactivate traditional cultural corridors, and also encourage the circulation of artists, cultural entrepreneurship and industries, the attraction of investment, tourism and international cooperation.

395. As part of the national celebration of “race week”, the Honduras Caribbean Cultural Corridor Project was launched on 14 October 2011 at the offices of the Spanish Cultural Centre in the city of Tegucigalpa, supported jointly by government institutions and cooperation agencies, such as the Organization of Ibero-American States (OEI), the Spanish cooperation agency in Tegucigalpa and UNESCO.

396. The Project was launched with the aim of designing and implementing a regional cultural policy for 2011 to 2013 to promote identity, the dissemination of knowledge, a sense of belonging, respect for cultural diversity and a culture of peace, and also a shared Central American vision.

397. The aim is also to revitalize, protect and value expressions of the living cultures of the Honduran Caribbean area, together with a network of institutions that will promote cultural management practices that encourage entrepreneurship and cultural tourism.

### **5. Intibucá Indigenous Centre for Handicrafts Training (CICAI)**

398. The Intibucá Indigenous Centre for Handicrafts Training is an official institution under the Ministry of Culture, Arts and Sports, founded in 1976; it is located in the municipality of Intibucá and trains young people in different occupations and basic skills required in the production process, promoting values such as respect, solidarity, responsibility, honesty, tolerance of ethnic diversity and preservation of the environment.

399. The Centre’s workshops do not currently have the optimum team to implement the teaching and learning process offered by the Centre. The young people who receive training are indigenous Lenca, 90 per cent of them from rural areas and with limited financial resources. The Centre also provides the seventh, eighth and ninth grades of primary education through the Telebásica programme.

### **6. Sikrotara of the Miskito peoples of Honduras. Development of the Miskito peoples**

400. The name *Sikrotara* is made up of two words from the Miskito language: *Sikru* (festival or cultural gathering) and *Tara* (big); translated, it means “big festival”.

401. *Sikrotara* is the most important cultural festival in the life of the indigenous peoples of Honduran and Nicaraguan Mosquitia. Each year the festival is held to coincide with the International Day of the World's Indigenous People (9 August). The commemoration alternates each year between Honduran Mosquitia and Nicaraguan Mosquitia.

402. Among the cultural festival's main purposes are the following:

(a) To strengthen and preserve the culture, identity, language and authentic traditions of the indigenous peoples of Mosquitia;

(b) To organize and establish links with indigenous families to help them deal with the challenge they face in the current decade;

(c) To promote and encourage ongoing unity between the indigenous peoples and communities in Honduran and Nicaraguan Mosquitia, putting them in touch with indigenous peoples in other countries around the world; and

(d) To discuss, analyse and share the issues currently faced by indigenous peoples in the social, economic, political and cultural spheres and in relation to Mother Earth.

## **7. Tourism with respect for the identity of indigenous and Afro-Honduran peoples**

403. The Ministry of Tourism and the Honduran Tourism Institute have in place the National Strategy for Sustainable Tourism, which has social and cultural components, linking tourism with the Poverty Reduction Strategy and respect for the culture of indigenous and Afro-Honduran peoples. This is based on the following activities:

(a) Generating jobs, especially for the local workforce;

(b) Involving indigenous communities and populations in activities, with an emphasis on women; and

(c) Preserving and promoting the cultural heritage as a distinguishing feature of Honduras's tourist offering.

404. Under this programme, a total of 338 indigenous persons in the north-western region have taken courses on restaurant service skills, waiting skills, bartending skills, management of small restaurants, maid skills, cleaning skills, housekeeping, laundry skills, artistic decoration of fired clay, basics of costume jewellery making, food handling, improvement of food presentation skills, tourist guiding, development of tourist products, tourist culture, quality client services, etiquette and protocol, training of escorts and production of candles.

405. In the Garífuna communities of Tornabé, Miami, La Ensenada and Triunfo de la Cruz, all in the Department of Atlántida, 292 members of the Garífuna community have received courses on tourist culture, development of tourist products, tourist guiding, management of small restaurants, quality client services, etiquette and protocol, ecotourism, cleaning skills, laundry skills, maid skills, basics of costume jewellery making, restaurant service skills, bartending, food handling, and basic kitchen assistant and fruit decoration skills.

## **VIII. Concluding remarks**

406. Honduras recognizes that it has a duty to fulfil its national and international obligations to protect the fundamental rights and freedoms of indigenous and Afro-Honduran peoples; for that reason, it has analysed the actual situation of these peoples and has adopted a variety of measures.

407. Perceptions are clearly confirmed by the reality that the indigenous and Afro-Honduran peoples living in Honduras belong to a disadvantaged sector of the population because of their situation of exclusion and social inequity; according to poverty indicators, they are one of the most deprived segments of the population. Major efforts are needed in order to transform society so that these peoples acquire greater skills and opportunities, especially in terms of access to education, health, decent employment and other basic services, so as to overcome the current disadvantages that have been set out in the present report.

408. The current difficulties faced by the majority of indigenous and Afro-Honduran peoples are in part the result of the inequity that they have suffered for the past 500 years, which has placed them in a situation of severe poverty, with structural problems that have kept them marginalized from the benefits of development.

409. Gaining a broad understanding of the dimensions of exclusion has been one of the major difficulties encountered by the Ministry of Justice and Human Rights in coordinating the preparation of the present report because of the lack, in many cases, of official information from other ministries and public institutions, in particular the lack of a recent National Population and Housing Census. The last Census dates from 2001 and much of the information in it was not recognized by the indigenous and Afro-Honduran peoples who took part in the process.

410. With regard to this last point, a consensus was reached with those peoples and a commitment was made to push for a new National Population and Housing Census in 2013, which will include reliable and objective indicators and variables specific to indigenous and Afro-Honduran peoples, such as self-identification and others already agreed by the Ministry for Indigenous and Afro-Honduran Peoples and the National Institute of Statistics, with a view to understanding the reality of different aspects of the lives of indigenous peoples.

411. During the past 10 years, and especially since 2002, when Honduras acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, numerous efforts have been made and legislative, administrative and other measures adopted to reverse the inequity and exclusion experienced by indigenous and Afro-Honduran peoples, which became clear during the preparation of the present report. However, it is precisely the structural nature of the problems faced by these peoples that has made these efforts, though numerous, insufficient to bring about a significant improvement in the standard of living of indigenous and Afro-Honduran peoples. For this reason Honduras, through the Ministry for Indigenous and Afro-Honduran Peoples established for that purpose and other ministries and institutions in general, is making a voluntary commitment to continue its efforts to achieve the proper realization of the fundamental rights and freedoms of these historically neglected peoples.

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