



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

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Summary record of the 1436th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 27 July 2016, at 10 a.m.

Chair: Mr. Modvig

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

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Second periodic report of Honduras (CAT/C/HND/2; CAT/C/HND/Q/2)

1. *At the invitation of the Chair, the delegation of Honduras took places at the Committee table.*
2. **Ms. Cueva Aguilar** (Honduras) said that the Government welcomed the opportunity for open and honest dialogue with the Committee and wished to reaffirm its commitment to protecting and promoting human rights. In the previous two years, Honduras had received visits from seven United Nations Special Rapporteurs and had submitted all overdue initial and periodic reports to human rights treaty bodies. The creation of the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment constituted an important milestone, as did the establishment of the new Country Office of the Office of the United Nations High Commissioner for Human Rights and the agreement with the Organization of American States to set up the Mission to Support the Fight against Corruption and Impunity in Honduras.
3. The country faced the challenges of restoring peace and security and ensuring a better life for its population in the face of poverty, inequality, and widespread violence linked to organized crime. The Government's efforts over the previous two years had resulted in a drop in the murder rate, from 87.3 per 100,000 inhabitants in 2011 to 56.74 in 2015.
4. The justice system and the National Police were undergoing a restructuring and clean-up process, with the armed forces taking on public security roles as a temporary special measure in the interim; that measure would gradually start to be withdrawn towards the end of 2016. Armed forces personnel engaged in such roles had been provided with the appropriate training.
5. The new Criminal Code bill, which was currently being debated, defined torture in line with international standards and established sanctions for attempting to commit torture and complicity in torture. Other reforms to the Criminal Code included improved protection for victims and witnesses, the guarantee of the presumption of innocence, and the introduction of alternatives to detention.
6. The National Congress had approved the Act on Employment for Persons Deprived of Liberty and on Residence for Highly Dangerous Prisoners and the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Judicial Personnel; a budget of US\$ 870,000 had been allocated for the implementation of the latter. As of June 2016, the Directorate General for Protection had dealt with 38 protection requests from human rights defenders, journalists and justice officials. A bill on compensation for victims of human rights violations caused by actions or omissions attributable to the State, an organic bill on the Ministry of National Security and Defence and a national police bill were under consideration.
7. In an effort to reduce levels of impunity, the National Congress had approved the Emergency National Security and Public Interest Decree on the Clean-up of the National Police. Between 2009 and 2015, the Office of the Special Prosecutor for Human Rights had presented 54 applications for prosecution for crimes under the Convention; the cases included 92 members of the National Police, 2 officers of the Municipal Police, 5 members of the armed forces, and 9 other public officials.
8. In 2015 and 2016, 16,842 members of the armed forces, including 2,600 members of the Public Order Military Police, had received training on human rights and the use of force.

In 2016, 5,381 members of the armed forces and 10,854 members of the National Police had received training on human rights and the prevention of torture and cruel, inhuman or degrading treatment. The United Nations Development Programme had provided assistance in the revision and implementation of the human rights training curriculum for the armed forces, while the International Committee of the Red Cross had provided support for the development of a booklet on human rights for the Public Order Military Police. A public debate was currently under way regarding the preliminary draft of a bill on the use of force: Honduras was one of the first countries in the region to consider such legislation.

9. A new national policy on prisons was being considered for adoption, while the General Regulation of the Act on the National Penitentiary System, the Special Regulation of the Prison Service, and the Disciplinary Regulation regarding Persons Deprived of Liberty had been adopted. The Government's crackdown on criminality had resulted in the growth of the prison population from 11,882 in 2011 to 17,000 in 2016. Four new facilities had been built to international standards to ease overcrowding; two of those facilities would open in September 2016. The newly created National Prison System Academy would train the staff of the National Prisons Institute. A project to reduce prison overcrowding had seen the release of 7 per cent of the prison population in 2015. The number of violent deaths in prisons had fallen from 45 in 2011 to 15 in 2015. Also in 2015, the Government had reached a compensation agreement with the families of the victims of the 2012 fire at Comayagua prison.

10. The monthly budget of US\$ 190,000 allocated to the state of emergency declared by the Government had been used to prevent violence and increase security in prisons, and to establish a team of 130 special wardens. In prisons, medical teams made up of six doctors and six nurses provided treatment for minors, and a referral system was in place for dental and psychiatric treatment. A total of 121 adolescents in conflict with the law were attending classes covering first to sixth grades. Adolescents sent to prisons underwent physical, mental and psychological evaluations before mixing with other inmates. Between August 2015 and June 2016, the total prison population had increased by 23 per cent.

11. During 2015, 36,284 cases of domestic violence had been recorded, with 2,004 people being imprisoned for that offence. More than 96 per cent of cases of sexual violence reported in 2015 had been sent to court.

12. An investment of US\$ 25 million in the "Ciudad Mujer" (City of Women) initiative aimed to prevent violence against women, provide sexual and reproductive health care, combat teenage pregnancies and empower women to claim their civil, social and economic rights. The initial phase of the programme, to be implemented in four cities, would benefit 100,000 women every year.

13. **Mr. Heller Rouassant** (Country Rapporteur) said that he welcomed the State party's willingness to engage with the Committee and commended the progress made in addressing the many human rights challenges facing the country. The State party had made efforts to bring national policy and legislation, and institutional arrangements, into line with international standards, and to ensure that sufficient budgetary resources were available. Greater openness to international scrutiny had been evident from the recent visits made by United Nations special rapporteurs and intergovernmental bodies. The Human Rights Council had considered the report of the Working Group on the Universal Periodic Review of Honduras in June 2015; he asked for more detailed information on the follow-up given to the recommendations arising from that review. Following the clean-up of the National Police, he wished to know whether investigations had been carried out and sanctions handed down to those high-level police officers who had been accused of human rights violations.

14. High levels of violence were still being experienced by certain population groups, linked to organized crime, trafficking of drugs and persons, extreme poverty, and social exclusion of large swathes of the population, as well as impunity as a result of corruption and weak institutions. Levels of violence had fallen in recent years, which testified to the fact that the correct approach had been adopted, but a large proportion of murders were still never investigated. Referring to an article published in *The Guardian* on 21 June 2016 alleging the involvement of the armed forces in the murder of the human rights defender Berta Cáceres, he asked the Committee to provide up-to-date information on the status of the investigation into that case.

15. With regard to articles 1-4 of the Convention, he said that the definition of torture in the Criminal Code should be widened to include intimidation and coercion, while the different penalties applied for more or less serious cases of torture required criteria for categorizing degrees of severity. He wished to know what progress had been made with the Criminal Code bill; whether there were plans to reorganize the system of public defenders assigned to police stations to ensure respect of the rights of detainees, given the severe lack of personnel to cover all locations; what follow-up had been given to the recommendations made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment after its country visits in 2009 and 2012; and how the Government proposed to address the shortfall in the funding of the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment (CONAPREV).

16. Citing the case of *Adán Guillermo López Lone et al. v. Honduras*, he asked the delegation to explain why the judgment of the Inter-American Court of Human Rights had not yet been implemented, given that it was binding on the State party. What measures did the Government intend to take to guarantee the independence and autonomy of the judiciary? Would the Government consider adopting a new Act on the Council of the Judiciary and Judicial Service?

17. In the light of the institutional weakness of public bodies in the State party and the resulting lack of trust among the population and low numbers of complaints of torture, he asked what measures were planned to enhance protection for witnesses and victims. Noting the increase in the number of femicides, he asked for details of the implementation of the Public Policy and National Plan of Action on Human Rights in that regard, and of the 26 actions under that Plan related to the prevention of torture that were planned for 2015. He expressed concern that various decrees adopted since 2011, such as Decree No. 103-2013 establishing the Institute of Armed Intelligence Troops and Special Security Response Groups (TIGRES) and Decree No. 168-2013 establishing the Public Order Military Police, provided for a broader mandate of the military, despite the fact that complaints had been filed of human rights violations by elements of the armed forces. He was also concerned that the reform of article 332 of the Criminal Code, permitting arbitrary detention of young people, had not been completed as requested by the Inter-American Court of Human Rights in the 2012 case of *Pacheco Teruel et al. v. Honduras*. He asked whether the Government was drafting declarations that would recognize the Committee's competence under articles 21 and 22 of the Convention and whether consultations had begun in that respect. He would like an update on the bill being drafted by the Ministry of Security to govern the use of force by the police.

18. He emphasized that security should be ensured using a human rights approach and that steps should be taken to reduce the numbers of murders, address the structural causes of violence, and combat impunity in all cases of human rights violations. The capacities of the police and the security forces should be strengthened in line with international human rights standards, and safe conditions should be guaranteed to enable human rights defenders to perform their activities.

19. **The Chair** (Country Rapporteur), covering articles 10-16 of the Convention, asked what the duration and content had been of the training programmes conducted by the Ministry of National Defence for over 9,000 people; how many members of the armed forces had yet to receive that training, as well as education relating to the Convention? Furthermore, he asked how many police officers had been provided with training on the Convention and for details of the curriculum of such training. How many doctors worked in prisons, the military and the police, and how many of those doctors had been trained in detecting signs of torture? Similarly, he asked how many judges and prosecutors had been trained in detecting and documenting signs of torture. Expressing concern at the lack of legislation on training for judges, he invited the delegation to provide information on the time frame for the introduction of such legislation. He wondered whether any legal requirements were in place for training private security officers in the prohibition of torture and the proportionate use of force; and whether certification procedures were carried out before those officers were released with their fire arms. He would also like to know whether there were any measures to evaluate the impact of human rights training for all public officials.

20. Concerning article 11 of the Convention, an update would be appreciated on changes and revisions to the Guide to Procedures related to detention and arrest. If, as it seemed, the Guide did not include information on basic safeguards in detention, might such information not be included in guidelines to use of the Code of Criminal Procedure? He asked whether procedures were in place for videotaping interrogations of suspects, and whether there were guidelines on complaints systems and acceptable interrogation methods. In the event that no such text existed, how were police officers to know what constituted unacceptable behaviour? Noting the measures taken by the State party to reduce overcrowding and improve conditions in prisons, the Committee nonetheless recommended that prison overcrowding should be addressed through increased use of non-custodial punishments; he expressed concern that the prison population in the State party had in fact significantly increased, and that the overall incarceration rate was relatively high. He asked whether the 495 per cent occupancy rate of Santa Bárbara prison had been remedied.

21. Expressing concern that three of the four preventive detention centres had been established on military premises, he asked what accounted for the involvement of the military in the administration of criminal justice. He would like to know what measures had been taken to implement the recommendation made during the second universal period review cycle to improve living conditions and address the issue of overcrowding in prisons and other detention centres, as well as to reduce violence between and among prisoners. He wondered whether anything had been done in the State party to reduce the widespread use of preventive detention for minors accused of serious offences. Further information would be appreciated on actions carried out to meet the special needs of minors and reduce pretrial deprivation of liberty; the number of minors held in remand and the duration of that detention; the numbers of minors provided with non-custodial measures during their trials; the application of safeguards for minors in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules); and data on the length of imprisonment of minors disaggregated by age groups. In addition, he asked what measures had been taken to implement the recommendation of the Committee on the Rights of the Child regarding children's rights in juvenile justice, as contained in paragraphs 84 (a) and (b) of its 2015 concluding observations (CRC/C/HND/CO/4-5). He asked how many medical personnel were employed in prisons and military prisons. He would appreciate comments on the reported high numbers of deaths in prisons and on subsequent evaluations of the causes. Would the delegation also comment on the reasons for deaths in custody, and on the measures taken to prevent the reoccurrence of similar cases?

22. With regard to articles 12 and 13 of the Convention, he asked whether any command responsibility had been considered at any stage of the investigatory and judicial process

concerning the suppression of the social protests held to demand the restoration of the constitutional order following the events of 28 June 2009; whether compensation had been awarded to the families of the 19 victims of that suppression; and whether any investigations had been carried out into the other allegations relating to the same event, namely arbitrary detentions, cases of torture and ill-treatment of detainees, and enforced disappearance. How many complaints of abuse and excessive use of force by the police and the armed forces had been received in total, how were they processed and what was the outcome? He would like confirmation that only three complaints of violence against women had been filed in the context of those 2009 protests, and an update on the case against Edwar López (case file 22799-2010) for the offence of aggravated rape. What kind of redress had been provided and to which victims? In the light of the report published by the Truth and Reconciliation Commission in July 2011, which concluded that certain members of the armed forces and the police had taken part in the “systematic obstruction” of criminal investigations into serious human rights violations, he expressed deep concern that the State party had not fully complied with its obligations under the Convention to investigate, prosecute and punish cases of alleged torture.

23. He would appreciate comments on the disproportionately low number of convictions of cases of violence against women. He asked what measures were being taken to address the alarming problem of domestic violence, including enforced disappearances of women, so-called “mad houses” and clandestine cemeteries, and whether it was true that the mandate of the municipal offices for women’s affairs had been broadened while their funding had been reduced. What measures had been adopted to give effect to the recommendation made during the universal periodic review to consider widening the criminal legislation in order to criminalize not only femicide but also all instances of violence against women? In addition, with the aim of ensuring the effective investigation, prosecution and punishment of hate crimes against the lesbian, gay, bisexual and transgender (LGBT) community, as agreed in the universal periodic review, he asked what was being done to address abuses committed against LGBT persons in detention centres and prisons; what protection measures were in place for those people; and whether there were plans to define hate crime in the Criminal Code. In the event that the Amnesty Decree No. 2-2010 approved by the National Congress on 26 January 2010 provided amnesty to the armed forces or law enforcement agencies, he would like further information on all relevant cases.

24. He invited the delegation to provide information on the types of cases that were admissible to the Office of the Special Prosecutor for Human Rights, and on reporting procedures for cases that did not fall under the mandate of the Office. The low number of complaints of torture evidently did not reflect the real situation in the State party and could stem from fear of reprisals on the part of the complainants and lack of trust that a thorough investigation would be conducted. He would appreciate comments in that regard and asked whether the Government had envisaged strengthening the reporting procedure to enable individuals to complain safely. He found it regrettable that there had not been any results of investigations into cases of enforced disappearances prior to 1982; in the light of comments that relatives of victims of enforced disappearances had not come forward to complain, he asked what the State party was doing to raise their awareness of available judicial procedures and redress. He wondered why around 75 per cent of allegations of extrajudicial killings of children were not prosecuted and asked what accounted for the lack of prosecutions. Similar data should also be provided on extrajudicial killings of adults. Information would be appreciated on any complaints submitted to the Directorate for Investigation of the Professional Police.

25. With regard to article 14 of the Convention, he would appreciate further comment on the fact that since 2009, no claims had been lodged and no court orders had been issued for payment of compensation to victims of torture. He asked how redress measures and the

corresponding budget allocation would be covered in the bill on comprehensive compensation for victims of human rights violations. He requested updated information on the case of *López Álvarez v. Honduras*. How were victims of torture given access to relevant civil society organization programmes, and would the State party consider conducting an assessment in cooperation with those organizations to determine the need for redress for victims of torture?

26. Turning to article 16 of the Convention, he said that the situation of human rights defenders was of grave concern. While legislation aimed at protecting human rights defenders was a step in the right direction, he would be interested to know what measures were being taken in practice to implement that law. The Committee was also concerned at reports that human rights defenders were often subjected to stigmatization in the media for speaking out about human rights abuses, and he expressed the hope that the Government would consider issuing an official statement in support of the commendable and necessary work of human rights defenders.

27. Referring to the information contained in paragraph 184 et seq. of the State party's report in relation to the country's witness protection programme, he asked whether any measures had been taken or were envisaged to remedy the programme's shortcomings and lack of resources; how many witnesses were in need of protection; and whether the number of such witnesses exceeded the capacity of the programme. Lastly, he wished to know whether the State party was considering making the declarations provided for under articles 21 and 22 of the Convention, as was recommended by the Committee in its previous concluding observations (CAT/C/HND/CO/1).

28. **Mr. Bruni** said that he wished to know whether the provision abolishing the statute of limitations for the offence of torture had been retained in the draft Criminal Code. In that connection, he would be interested to know why there was a disparity in the penalties that could be imposed for the offences of torture and of enforced disappearance of persons. He would also welcome information on the complaints of torture and ill-treatment that had been referred by the Office of the National Commissioner for Human Rights (CONADEH) to the Public Prosecution Service, and he wondered whether any of those cases had resulted in prosecutions and convictions.

29. Regarding article 3 of the Convention, he would be interested to know whether the authorities working in the area of migration had encountered any cases in which an asylum seeker would be at risk of torture if returned to his or her country of origin and, if so, how those cases had been handled and what the outcomes had been. As to article 8 of the Convention, according to paragraph 119 of the report the State party had signed a number of treaties that included the offences referred to in article 4 of the Convention, even if they were not mentioned specifically. The meaning of the phrase "even if they were not mentioned specifically" required clarification. He would also appreciate receiving information on whether the Convention was considered as the legal basis for extradition involving countries with whom Honduras had no extradition treaty.

30. The Committee shared the serious concerns raised by the Inter-American Commission on Human Rights in its report on the situation of human rights in Honduras, and he called on the State party to take urgent steps to improve living conditions and reduce overcrowding and the prevalence of violence in places of detention. He noted that several preventive detention centres had been established in military facilities and under military control with a view to easing overcrowding. Given that the use of the armed forces in the prison system was not a long-term solution, not least because they were not trained to perform prison-related functions, he asked whether military personnel were now being withdrawn from the prison system and whether they were being replaced with professional prison staff who had received training from the National Prison Institute. Lastly, he invited the delegation to comment on the findings of the Inter-American Commission on Human

Rights in relation to the deplorable conditions in the preventive detention centre of the Cobras Squadron, which it said amounted to cruel, inhuman and degrading treatment.

31. **Ms. Belmir** said that she was concerned at the lack of judicial independence in the State party and the treatment of judges who had been identified as opponents of the 2009 coup d'état. She wished to know whether the reported attacks on and extrajudicial killings of members of the judiciary had been investigated and, if so, whether there had been any prosecutions and convictions. The blurring of the roles of the military, the police and the penitentiary system was also of serious concern, as was the fact that under the Military Code lower penalties could be imposed for acts of torture committed by members of the armed forces. She would appreciate an explanation of that fact. She noted that employees of private companies, who were also working in the prison system, were alleged to have committed acts of torture; she wondered whether those allegations had been investigated and, if so, by whom. Information on measures taken or envisaged to remedy the scant human and financial resources allocated to the Office of the Special Prosecutor for Human Rights of the Public Prosecution Service would also be appreciated.

32. As to the situation of women in the State party, the torture, ill-treatment and physical abuse of women by law enforcement personnel continued to be of grave concern to the Committee, as did the high rate of femicide. What concrete action was the Government taking to address those issues and to prevent further such offences from occurring? While she commended the State party for the efforts it had so far taken to combat trafficking of children for the purposes of sexual exploitation, more needed to be done to prevent trafficking in all its manifestations and, in particular, to protect the most vulnerable groups of children.

33. **Ms. Gaer** said that she shared Mr. Bruni's concerns regarding the militarization of the police and security services and wished to know whether the national police force in Honduras had a military command structure, and what role the members of the armed forces played in both civil and military prisons. In that connection, she noted that the Directing Council of the National Prison Institute, a civil institution, had authorized the establishment of three preventive detention centres in military facilities, and wondered whether it was possible under the Constitution for the police to authorize the military to take over its jurisdiction. Information on the precise roles and responsibilities of the National Police and the armed forces, as well as whether there was any monitoring and oversight of detention centres run by the military, would therefore be appreciated.

34. She invited the delegation to comment on a United States Department of State report on the human rights situation in Honduras, which had concluded that prison conditions were deplorable, that inter-prisoner violence was rife and that inmates had ready access to weapons and controlled their own areas, while prison staff simply provided security outside the perimeter. She noted that police and military units carried out prison raids and asked what the purpose of the raids was, how they were conducted and what the results had been. She asked whether there were up-to-date prison registers in prisons and who had access to them; whether individual prisoners were removed from the prisons as a result of the raids; and whether any of the officers involved in raids had been charged, dismissed or sanctioned for abuses amounting to torture or ill-treatment.

35. Some 1,400 police officers had so far been dismissed following investigations by the Directorate for Investigation of the Professional Police, and she wondered how many of those officers had been discharged for serious misconduct amounting to torture and ill-treatment. She reiterated paragraph 26 of the Committee's list of issues prior to reporting (CAT/C/HND/Q/2), which had requested information on a report published by the State party's Truth and Reconciliation Commission in which it was stated that members of the armed forces and National Police had systematically obstructed criminal investigations of serious human rights violations. She failed to understand why the State party's sole

response on that matter had been to say that the names of the persons referred to in those actions had not been identified. Information on whether any persons had been charged, disciplined, dismissed or prosecuted should therefore be provided.

36. She noted with concern that the Office of the National Commissioner for Human Rights had been downgraded to “B” status, and that the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment had a funding crisis. She wished to know why the funding allocated to that entity was not being fully disbursed and what measures were being taken or were envisaged to ensure that it regularly received the appropriate financial resources necessary for its proper functioning. Lastly, the Committee had serious concerns that only 6 per cent of the offences of rape reported by women had resulted in prosecution and conviction, and she asked whether concrete measures were being taken to remedy that situation.

37. **Mr. Hani** said that the Committee was demanding of Honduras because it and other countries in the region had, after a history of severe human rights violations, been actively involved in prevention and the establishment of some of the United Nations special mandates. He invited the delegation to clarify the State party’s position on making the declarations under articles 21 and 22 of the Convention. While a balance did need to be struck between human rights and security, the two did not inherently conflict. In the light of the extended powers of the military, he asked whether civilian prosecutors could initiate investigations into military personnel involved in human rights violations committed during police operations or in prison contexts. He also asked what guarantees of judicial oversight there were in relation to the privately run prisons where inmates were essentially left to their own devices.

38. Regarding the national preventive mechanism, he wished to know what steps were being taken to ensure that the funds allocated to it were actually disbursed, whether there were plans to select all its members — not just the representative of civil society — on the basis of objective criteria, and what measures might be put in place to ensure that the mechanism’s recommendations were implemented at local and national levels. He requested further information on plans to amend the Criminal Code and article 184 of the Code of Criminal Procedure in order to better prevent torture and on how civil society would be involved in the process. He hoped that the removal of the military from police work at the end of 2016 would not hurt the justice system’s investigative capacity. Lastly, he asked what rehabilitation programmes the Government funded and whether it intended to support the United Nations Voluntary Fund for Victims of Torture.

39. **Mr. Zhang** asked what steps the Government was taking to effectively enforce the new Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Judicial Personnel. He cautioned that simply dismissing corrupt police officers but failing to prosecute where necessary could give rise to new criminal structures and to retaliation against witnesses and the relatives of those who filed complaints. He asked whether the figures provided by the news agency Reuters on police misconduct between 2012 and 2014 were accurate and what the next steps were for the implementation of Decree No. 21-2016 on the purge of the national police force.

40. **Mr. Heller Rouassant** said that the introduction of adequate detainee registers was of pressing importance. He expressed concern about the fact that children as young as 12 years could be imprisoned and about women who were raped while in detention and were forced to carry resulting pregnancies to term because of the ban on abortion.

41. **The Chair** asked whether anyone had been investigated or charged under the Financing of Terrorism Act and whether the safeguards afforded to persons investigated under the Act differed from those afforded to individuals suspected of other offences.

The meeting was suspended at 12.25 p.m. and resumed at 12.35 p.m.

42. **Ms. Motiño** (Honduras) said that the definition of torture introduced into the Criminal Code via Decree No. 22-2011, which was available online, was entirely in keeping with article 1 of the Convention and included coercion. The bill on the new Criminal Code, currently before Congress, would better define the degrees of severity of torture and would remove the statute of limitations on the offence of torture. The bill would be adopted in two stages; some 70 articles, including provisions on universal jurisdiction for torture and crimes against humanity, had been approved thus far. The bill on the Council of the Judiciary and Judicial Service had been adopted but had since been the subject of several legal challenges, notably regarding the appointment process, which the Supreme Court had ruled to be unconstitutional. It was hoped that a new law would be submitted to Congress within a few months.

43. Decree No. 22-2015 had ushered in many reforms to protect vulnerable victims and witnesses, especially children and women. Article 184 of the Code of Criminal Procedure had been repealed, and judges were encouraged to opt for alternatives to pretrial detention. The current Criminal Code provided for penalties for hate crimes and made incitement to hatred an aggravating circumstance of all offences. Nevertheless, one of the objectives of the new Criminal Code was to bring criminal law into line with international instruments, for which lawmakers had received technical assistance from international partners. The rights of detainees and the safeguards to which they were entitled from the moment of arrest were covered in the Code of Criminal Procedure. Under Decree No. 2-2010, offences or acts covered in international human rights instruments were not subject to amnesty.

44. The Military Criminal Code predated the ratification of the Convention and did not address torture. There were different penalties for torture and enforced disappearance because the impact of those acts on a victim's moral integrity differed. When torture resulted in another offence, such as murder, the penalties for both offences were applied. Enforced disappearance was punished more harshly when it was a systematic and widespread practice rather than an isolated incident. Congress had undertaken to draft a new basic law on the Ministry of Security and the national police. However, in the light of the high levels of corruption in the national police, it had chosen to adopt an emergency decree to purge the force of undesirable elements. The new basic law should be adopted by the end of 2016 and would provide for the establishment of an independent body to investigate police conduct and make the sanctions process more consistent.

45. **Mr. Velázquez** (Honduras) said that the bill on comprehensive redress for victims of human rights violations attributable to the State had recently been submitted to the legislature, with a view to guaranteeing access to justice and setting up an authority that would have branches in all the departments of the country. The bill also provided for the allocation of sufficient resources for its full implementation.

The meeting rose at 1 p.m.