



International Covenant on Civil and Political Rights

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Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

Addendum

Evaluation of the information on follow-up to the concluding observations on Honduras

<i>Concluding observations (120th session):</i>	CCPR/HND/CO/2 , 24 July 2017
<i>Follow-up paragraphs:</i>	17, 21, 41 and 47
<i>Follow-up reply:</i>	CCPR/C/HND/CO/2/Add.1 , 15 August 2018
<i>Information from non- governmental organizations:</i>	Plataforma “Somos Muchas, por la Libertad y la Vida de las Mujeres”, Grupo Estratégico de la Píldora de Anticoncepción de Emergencia, Centro para el Desarrollo y la Cooperación LGTBI – SOMOS CDC
<i>Committee’s evaluation:</i>	Additional information required on paragraphs 17 [C], 21 [B], 41 [B][C] and 47 [B]

Paragraph 17: Voluntary termination of pregnancy and reproductive rights

The State party should, as a matter of urgency, amend its legislation to help women prevent unwanted pregnancies and to ensure that they do not have to seek clandestine abortions that could endanger their lives and health. In this connection, the State party should ensure access to safe, legal abortions, particularly in cases where the woman’s life or health is in danger and in cases of rape, incest or fetal unviability due to an abnormality, and consider decriminalizing abortion. The State party should lift the ban on the emergency contraceptive pill. It should also keep precise statistics regarding the impact of restrictions on abortion and the emergency contraceptive pill on the life and health of women and girls and increase the number of programmes designed to provide full access to sexual and reproductive health services and contraceptives and raise awareness of sexual and reproductive health among men, women and children throughout the country.

Summary of the State party’s reply

No amendments have been made to legislation. The State party listed its achievements in terms of pregnancy prevention between 2014 and 2018.

The National Institute for Women has lobbied the Ministry of Health to conduct a technical and scientific study on the use of the emergency contraceptive pill and to adopt a medical protocol for victims/survivors of sexual violence.

* Adopted by the Committee at its 130th session (12 October–6 November 2020).



Concerning statistics, the Ministry of Health currently keeps administrative records on patients who receive hospital treatment for abortion.

With regard to awareness-raising programmes, the National Institute for Women has held training workshops to strengthen the technical skills of personnel who work in direct contact with adolescents.

Information from non-governmental organizations

Plataforma “Somos Muchas Por la Libertad y la Vida de las Mujeres”

The State party had the opportunity to amend the new Penal Code and to consider decriminalizing abortion.

Grupo Estratégico de la Píldora de Anticoncepción de Emergencia

More than 21,000 girls and women have reported sexual violence; 54 per cent of reports were submitted by girls aged 14 years or younger, and all of them were forced to carry their pregnancy to term.

Committee’s evaluation

[C]: The Committee regrets that the State party has not taken measures to amend its legislation to help women to prevent unwanted pregnancies or to ensure access to safe, legal abortion, particularly in cases where the woman’s life or health is in danger and in cases of rape, incest or fetal unviability due to an abnormality, and consider decriminalizing abortion.

The Committee takes note of the information provided that the National Institute for Women has lobbied the Ministry of Health to conduct a technical and scientific study on the use of the emergency contraceptive pill and to adopt a medical protocol for victims/survivors of sexual violence. It requests updated information in this regard.

The Committee also takes note of the information provided on awareness-raising and on the statistics collected by the Ministry of Health on patients who receive hospital treatment for abortion complications. However, it requests information on the actions taken, since the adoption by the Committee of its concluding observations, to (i) keep precise statistics regarding the impact of restrictions on abortion and the emergency contraceptive pill on the life and health of women and girls; (ii) increase the number of programmes designed to provide full access to sexual and reproductive health services and contraceptives; and (iii) raise awareness of sexual and reproductive health among men, women and children throughout the country.

Paragraph 21: Right to life and security of person

The State party should continue to strengthen the national police with a view to enabling it to take over law enforcement functions from the armed forces. The State party should also pursue the certification process for members of the national police, ensuring that it is carried out in a transparent and impartial manner. In addition, the State party should adopt a legislative framework that guarantees that private security companies operate in keeping with the Covenant; improve State oversight of the activities of these companies; and boost the supervisory function of the Private Security Company Oversight Unit and increase its budget. The State party should exercise effective control over the possession and use of firearms and reduce the number of weapons in circulation, including by adopting relevant laws.

Summary of the State party’s reply

Regarding the strengthening of the national police, the Police Service Act and the Organic Act on the Ministry of Security and the National Police were adopted in 2017.

The security measures taken have resulted in a gradual decrease in the homicide rate. The State party listed some measures taken to strengthen the national police and to gradually reduce the involvement of military personnel in law enforcement activities.

A national police certification process is being pursued. In 2017 and 2018, the Department of Human Rights of the Ministry of Security trained 849 members of the national police.

The National Congress is currently considering a draft bill setting out regulations on private security services and investigation agencies. The Ministry of Security is conducting nationwide operations to reduce the number of illegal weapons. The National Congress is currently discussing a bill on a new weapons, ammunition, explosives and related materials act.

Committee's evaluation

[B]: The Committee notes the adoption of the Police Service Act and the Organic Act on the Ministry of Security and the National Police in 2017 and the measures taken to strengthen the national police. It requests information on the impact of such measures and whether there has been a decrease in the involvement of military personnel in law enforcement activities.

The Committee welcomes the information provided according to which the State is pursuing a national police certification process for members of the national police; it requests updated information in this respect.

The Committee takes note of the information provided according to which the National Congress is currently considering a draft bill setting out regulations on private security services and investigation agencies. It requests updated information on the content of the bill, including whether it contemplates State oversight of the activities of the companies concerned. It also requests information on the Private Security Company Oversight Unit, and whether it is provided with a budget sufficient to perform its function.

The Committee takes note of the information provided according to which the National Congress is currently discussing a bill on a new weapons, ammunition, explosives and related materials act, and requests updated information in this regard.

Paragraph 41: Freedom of expression, freedom of association and violence against human rights defenders.

The State party should, as a matter of urgency, take practical steps:

(a) **To provide effective protection to, inter alia, human rights defenders, journalists, trade unionists, environmental activists, indigenous persons and lesbian, gay, bisexual, transgender and intersex persons who are subjected to acts of violence and intimidation;**

(b) **To increase training and education programmes on the importance of freedom of expression, freedom of association and freedom of assembly for law enforcement officers, military personnel, staff of private security companies, judges and prosecutors;**

(c) **To ensure that all allegations concerning intimidation, threats and assault are investigated promptly, thoroughly, independently and impartially, that the perpetrators are brought to justice and duly punished in accordance with the gravity of the offence and that victims receive full reparation;**

(d) **To set up a mechanism to ensure that acts of violence and threats against human rights defenders are properly investigated and are not treated as ordinary offences; consider introducing a protocol for the Attorney General's Office on the investigation of such offences; and extend the jurisdiction of the Unit for the Protection of Human Rights Defenders to include offences committed by private individuals;**

(e) **To consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious cases, and imprisonment is never an appropriate penalty;**

(f) **To collect disaggregated data on assaults and murders among human rights defenders, journalists, trade unionists, environmental activists, indigenous persons and lesbian, gay, bisexual, transgender and intersex persons.**

Summary of the State party's reply

(a) A technical committee held 103 meetings in 2018 on the Act on the Protection of Human Rights Defenders. Between April 2017 and June 2018, the authorities implemented 1,242 protective measures agreed between the protection mechanism's technical committee and the persons affected, and processed a total of 1,044. There had been a decrease in the number of deaths of human rights defenders;

(b) The Public Prosecution Service has trained prosecutors, judges, police personnel and others through seminars and workshops;

(c) In 2018, the budget of the Public Prosecution Service was increased by 8 per cent over that of 2017. In March 2018, the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials was established. It investigates offences committed against human rights defenders, journalists, social communicators and justice officials, including threats;

(d) See the reply to subparagraph (c). The Public Prosecution Service has prepared operational handbooks on investigations into offences against freedom of expression and on criminal investigation in general;

(e) The new Criminal Code, adopted in 2018, provides that the penalty for defamation should be limited to a fine and that calumny should carry a prison sentence, which may be commuted to a fine or community service;

(f) The Public Prosecution Service has a section for investigations into the death of persons belonging to vulnerable groups, which keeps a register of murders, homicides and attempted murders. The State party provided data on complaints regarding deaths of journalists or social communicators and lesbian, gay, bisexual, transgender and intersex persons as at 2018. The Public Prosecution Service is working to establish a database that guarantees respect for the gender identity of complainants.

Information from non-governmental organizations*Centro para el Desarrollo y la Cooperación LGTBI – SOMOS CDC*

(a) As at May 2019, the institutions established by the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials had only been implemented by only 55 per cent. A total of 109 violent deaths of lesbian, gay, bisexual and transsexual persons had been reported since the previous report of the Committee (namely, between 2017 and March 2020);

(b) The Office of the Special Prosecutor, established in March 2018, has not delivered the expected results. As at 2019, it had received 201 complaints, of which only 15 had led to a conclusion;

(d) There is no special protocol for investigating crimes relating to human rights defenders;

(f) Aci Participa, a civil society organization, reported 384 attacks on human rights defenders in 2018 and 499 in 2019.

Committee's evaluation

[B]: (a), (d) and (f)

The Committee welcomes the meetings held by the technical committee as part of the efforts to implement the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials, and notes the decrease in the number of deaths of human rights defenders. It requests information on measures taken to (a) implement further the Defenders Act, including through the establishment of necessary institutions; and (b) offer further protection to human rights defenders, journalists, trade unionists, environmental activists, indigenous persons and lesbian, gay, bisexual, transgender and intersex persons who are subjected to acts of violence and intimidation.

The Committee welcomes the establishment of the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials in March 2018 and the increase in the budget allocated to the Public Prosecution Service. It requests, however, information on the measures taken by the Office of the Special Prosecutor, including information regarding the number of cases investigated and of prosecutions, convictions and sentences imposed.

The Committee takes note of the data on assaults against and the murder of human rights defenders, journalists, trade unionists, environmental activists, indigenous persons and lesbian, gay, bisexual, transgender and intersex persons. It requests updated information on the establishment of a database by the Public Prosecution Service that guarantees respect for the gender identity of complainants from the moment their complaint is submitted.

[C]: (b), (c) and (e)

The Committee takes note of the information provided by the State, however it requests precise information on training and education programmes conducted since the adoption by the Committee of its concluding observations. It reiterates its recommendations.

The Committee points out that it is unclear whether the Public Prosecution Service handbooks were published after the adoption by the Committee of its concluding observations, and therefore requests information in that regard. It also requests information about measures taken to (i) ensure that acts of violence and threats against human rights defenders are properly investigated and are not treated as ordinary offences; and (ii) to extend the jurisdiction of the Unit for the Protection of Human Rights Defenders to include offences committed by private individuals.

The Committee regrets the lack of measures taken to decriminalize defamation and/or to ensure that criminal law should only be countenanced in the most serious cases. It reiterates its recommendation.

Paragraph 47: Rights of persons belonging to minorities

The State party should expedite the passage of national legislation under which consultations must be held with indigenous and Afro-Honduran peoples with a view to obtaining their free and informed consent prior to the adoption and application of any measure that may have a substantial impact on their way of life and culture, and ensure that the law is fully in keeping with the Covenant and other relevant international standards. In addition, the State party should provide effective protection for indigenous peoples against all acts of violence and ensure that they can fully enjoy their rights, including land rights. In this connection, the State party should strengthen the capacity of the Office of the Special Prosecutor for Ethnic Groups and provide training on indigenous rights to law enforcement officers, military personnel, staff of private security companies, judges and prosecutors. The State party should provide full reparation for the communities of Punta Piedra and Triunfo de la Cruz.

Summary of the State party's reply

In May 2018, the Office of the President submitted a draft decree on the law on free, prior and informed consultation to the National Congress for discussion and approval. The National Congress made comments on the bill.

Regarding the protection of indigenous and Afro-Honduran peoples, the Public Prosecution Service has brought criminal charges against public officials who have violated the right to prior consultation of indigenous and Afro-Honduran peoples. Eleven complaints were received in the 2017–2018 period.

The State party referred to training carried out on the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) for 50 representatives of institutions and local authorities in the Department of La Paz in 2017 and for members of the armed forces in the Department of Gracias a Dios in 2018.

Regarding reparation for the communities of Punta Piedra and Triunfo de la Cruz, in December 2017 the Inter-Agency Commission on the Enforcement of International Judgments prepared a new workplan that was submitted to the Inter-American Court of

Human Rights and, in turn, passed on to the community. The State party listed a number of reparation measures already implemented.

All activities carried out without prior consultation under the Punta Piedra II project have now ceased. This decision was made known to the community in May 2017.

Committee's evaluation

[B]: The Committee notes that, in May 2018, a draft decree on the law on free, prior and informed consultation was submitted to the National Congress for discussion and approval. It requests updated information on the process for adoption of that bill and whether it complies with the Covenant and other relevant international standards.

The Committee takes note of the information on measures taken to protect indigenous peoples. It requests additional information on measures taken by the Public Prosecution Service since the adoption by the Committee of its concluding observations, and updated information on the complaints received in 2017 and 2018, including the number of cases brought to trial.

The Committee welcomes the information on the training carried out. It requests updated information on the frequency and impact of such training and on measures taken to strengthen the capacity of the Office of the Special Prosecutor for Ethnic Groups.

The Committee takes note of the information provided on the implementation of the judgment of the Inter-American Court of Human Rights concerning the communities of Punta Piedra and Triunfo de la Cruz. It requests updated information on whether the State party has provided full reparation for those communities and how many people were covered by such measures.

Recommended action: A letter should be sent to the State party informing it of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 28 July 2021
