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Honduras

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Introduction

1. The State of Honduras, in common with other States Members of the United Nations, herewith submits its report to the universal periodic review of human rights for the period 2006–2007, under the procedure established by the Human Rights Council.
2. A thorough analysis of the situation of human rights in Honduras has yielded clear and specific conclusions on the progress made in terms of compliance with its undertakings at the international level, such as the establishment of a Truth Commission^{1, 2} and changes effected within the country by means of institutional reforms entailing the establishment of special human rights units and of new Government positions such as Minister-Adviser to the President on Human Rights, which is shortly to become the Ministry of Justice and Human Rights.
3. The work of the inter-agency commission on government was carried out in a spirit of great objectivity and with full participation by all sectors, in a genuine effort to integrate the various perspectives into a single national position.

I. Methodology

4. The approach adopted in the universal periodic review involved the various Government agencies and branches of the State, all of which provided input to this report in their own areas of competence.
5. A first draft was circulated to NGOs and organized civil society for comment within a specified time. By compiling the various contributions it has been possible to produce a single, comprehensive national report that describes the strengths, challenges and weaknesses of the human rights system of Honduras and will compel Honduran institutions to devise fresh strategies, programmes and operating policies that are in tune with the current needs of the population and strengthen the capacities of the State.
6. Later, public launch meetings were advertised and held in the cities of Tegucigalpa and San Pedro Sula with the sectors mentioned above, in a highly effective cooperative venture between State and civil society, and the report was duly approved.

II. Political situation in Honduras

7. Honduras is a State based on the rule of law, with republican, democratic, representative government. The Constitution of the Republic establishes three powers of the State, which have autonomy in their respective areas of competence. Some of the key State oversight bodies are the Honduran Institute on Access to Public Information (IHAIP), the Higher Court of Audit, the Public Prosecutor's Office and the National Anti-Corruption Council (CNA), which are autonomous and independent and help to ensure the effective enjoyment of human rights.
8. President Porfirio Lobo Sosa has complied with the agreements set forth in the Guaymuras Dialogue – Tegucigalpa/San José Accord, namely the establishment of a Government of national unity and reconciliation; Verification Commission and Truth Commission; normalization of relations between Honduras and the international community; and guarantees of respect for the Constitution and the law.
9. The Truth Commission comprises prominent figures of recognized moral and professional integrity from Honduras and abroad and its purpose is to investigate the events

that occurred before and after 28 June 2009 in order to assess the political situation in the State of Honduras at the time.

10. In the area of human rights, the present Government, under Mr. Porfirio Lobo Sosa, has issued an open invitation³ to the international human rights bodies of the inter-American and United Nations systems to send to Honduras, if they so desire, any rapporteurs and working groups they may deem appropriate in order to make an in situ assessment of the progress made by the State, the undertakings still pending and the ongoing efforts in that regard. The Honduran Government has also asked the Office of the United Nations High Commissioner for Human Rights (OHCHR)⁴ to establish an office or mission in Honduras.

11. The State of Honduras has made significant progress in implementing the judgements of the Inter-American Court of Human Rights, having recognized its international responsibility for the homicide of environmentalist Blanca Jeannette Kawas Fernández on 6 February 1995 in a public ceremony on 10 June 2010, at which the Head of the Government apologized to the Kawas family and Honduran society and acknowledged the unflinching struggle waged by the late environmentalist, her constant advocacy of protection and conservation of the environment and the establishment of the Punta Sal National Park in Tela in the department of Atlántida.

12. Other allegations of human rights violations dating from various periods of Government are currently under investigation and are being dealt with by the inter-American bodies and domestic courts. A certain number of allegations that originally cited human rights violations turned out, once investigations were complete, to concern ordinary criminality and organized crime and, where there was evidence of the involvement of agents of the State, these too have been investigated, with identification, trial and punishment as required.

13. The Constitution, the international human rights treaties signed by Honduras, the State's respectful acceptance of the competence of international human rights bodies and courts, special domestic legislation, the establishment and strengthening of institutions to promote and safeguard human rights, the creation of new human rights bodies within the Executive, the promotion of a national human rights policy as a basis for a national plan of action, and other initiatives under the "Vision for the Country – Plan for the Nation" strategy, together make up a broad framework underpinning the decisions of the State, a mechanism that is expanding and that will undoubtedly make for progress in the current human rights situation and effective interaction between society and the State.

III. Civil and political rights

A. Right to life, integrity of the person and liberty

14. The death penalty is prohibited in Honduras. This was one of the first countries to sign the American Convention on Human Rights or Pact of San José, with no reservations and undertaking not to reintroduce the death penalty and to abolish it definitively in the 1957 Constitution – a major step in proclaiming the inviolability of the right to life.

15. Honduran law protects the unborn person and penalizes abortion except when it is carried out with the woman's consent in order to save her life or safeguard her health, or when pregnancy causes serious trauma or threat.

16. There are special procedures and agencies to safeguard these rights, such as the Public Prosecutor's Office and the Office of the National Commissioner for Human Rights

(CONADEH). These institutions have functional and operational autonomy, which aids in making complaints and effectively trying injustices.

17. The mandate of CONADEH is to safeguard the rights and freedoms recognized in the Constitution. In matters of justice, the Public Prosecutor's Office is an institution with full functional, administrative, financial and budgetary independence, and one of its purposes is to ensure the observance of human rights, in cooperation with other State and private bodies.

B. Prevention and eradication of torture

18. The State is committed to protecting physical, psychological and moral integrity in domestic law and through its international undertakings. No one shall be subjected, for example, to torture and cruel, inhuman or degrading treatment, since Honduras has been a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since 1996.

19. In this regard major reforms of domestic law have been proposed, including amendments by Congress to article 209-A of the current Criminal Code in order to bring it fully into line with article 1 of the Convention against Torture.

20. In 2008 the Act on a Mechanism to implement the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was passed, establishing a National Committee for the Prevention of Torture, comprising one representative of the Executive, one from the legislature and one from civil society, and likewise establishing an advisory committee.

21. Responsibility for monitoring, reporting and investigating police abuses and ill-treatment, where such acts occur during arrest, rests with human rights defence bodies such as CONADEH, the Office of the Public Defender, the Office of the Special Prosecutor for Human Rights (Public Prosecutor's Office), as well as NGOs, and this ensures proper treatment in detention centres. However, budget constraints and the absence of any special regulations mean that these bodies do not have a permanent presence in all detention centres throughout the country and the judiciary is working through the Inter-Agency Criminal Justice Commission to find a solution.

22. Through the Inter-Agency Criminal Justice Commission, the judiciary is taking steps to include criminal judges, prosecutors, public defenders, forensic physicians, mental health workers, police, prison officials and others in the training programmes for justice officials on international treaties and optional protocols on torture and cruel, inhuman and degrading treatment, and notably the application of the Istanbul Protocol.

23. The State is committed to guaranteeing due process in the trial of those accused of torture and ill-treatment, with complete objectivity and impartiality, taking no regard of social status or military or police rank, and without interference.

C. Progress in prison rehabilitation

24. The Ministry of Security has conducted studies and projects to remedy the situation of prisoners with regard to prison rehabilitation and overcrowding, in compliance with its undertakings on human rights. These projects include a plan to attain a prison capacity of 15,000 nationwide, by building new prisons.

25. Substantial progress has been made in boosting the numbers of medical and nursing staff and the establishment of clinics in the various prisons. The plan is for all 24 prisons to have a clinic with nursing staff and an 80 per cent supply of medicines.

26. Ninety-nine per cent of security personnel are prison officers whose training includes human rights, and 90 per cent of security and administrative staff have received human rights training.

27. Interdisciplinary technical teams are now being established in the regions in order to address the question of the granting of early release to prisoners; in addition, five mobile technical teams of doctors, psychologists, social workers and one lawyer have been set up for diagnosis, treatment, categorization and rehabilitation of the prison population. Moves have begun to set up a national register of prisoners, with a view to creating an online database for each prison.

28. An Executive Decree declaring a state of emergency and disaster in respect of nine prisons was issued in 2010 as a means of administering the funds required for urgent building and repair work in those prisons, in accordance with a Supreme Court order, to protect the fundamental rights of persons deprived of their liberty and improve the infrastructure of the prisons.

D. Access to justice and judicial reform

29. A bill on the judicial service and the Council of the Judiciary is currently before the Supreme Court, prior to referral to Congress. The Council is intended to be an independent body with responsibility for applying the regulations on staff and budget administration.

30. Under the 1980 Act on the Judicial Service, judges and magistrates have security of tenure and may be removed where warranted under the Act and its regulations. In such cases individuals have the right to defend themselves in hearings before two administrative bodies, at which they may submit any evidence they deem necessary, while judicial channels are also open to them.

31. With the entry into force in 2002 of the current Code of Criminal Procedure, sentence enforcement judges were established at the national level to oversee custodial sentences and the treatment of the accused during proceedings.

32. The Code of Criminal Procedure, as amended, sets forth the requirements for the use of precautionary measures as an alternative to pretrial detention, and the judicial branch gives courts independence in their application of such measures.

33. As to the proper administration of justice, the Act on the Office of the Public Prosecutor empowers that office to ensure the effective administration of justice by “defending and promoting the independence and autonomy of judges and magistrates in the legitimate exercise of their duties”.

34. In addition, every citizen has a guaranteed right of access to justice through the Public Prosecutor’s Office or the Office of the National Commissioner for Human Rights (CONADEH) and may bring complaints against any authority regardless of rank, including members of the armed forces and the police. In this regard, since the establishment of the Office of the Special Prosecutor for Human Rights, the Public Prosecutor’s Office has received numerous complaints⁵ requiring a determination of liability among members of the armed forces and police. Since the 2004 amendment of the Constitution, no official enjoys immunity in the discharge of their duties.

35. The Inter-Agency Criminal Justice Commission, which comprises, inter alia, the judiciary, the Public Prosecutor’s Office and the Ministry of Security, has decided to use

every possible means to establish effective mechanisms for preventing extrajudicial executions, particularly of young people. In addition, security arrangements are to be made for judges and other members of the judiciary who try criminal cases — particularly cases involving children — who could experience death threats, in order to protect their lives, physical integrity and independence in the discharge of their duties.

E. Right to freedom of expression

36. The Constitution guarantees freedom of expression in any media without prior censorship. Anyone abusing this right or directly or indirectly restricting or impeding communication and the dissemination of ideas and opinions is liable in law. Article 187 of the Constitution authorizes the suspension of certain rights, including that contained in article 72, as mentioned above, in the event of serious breaches of the peace, by a decree issued by the President through the Council of Ministers and to be ratified, amended or rejected by Congress. Such restriction on guarantees shall not exceed 45 days on any one occasion. Any abuse of this article shall be liable to punishment under the law.

37. Murders of journalists from 2008 onwards are being investigated and to that end the State has requested the cooperation of countries such as the United States, Spain and Colombia, as a token of its interest in determining the motives and perpetrators behind such deeds. Those cases that were brought to trial and dismissed at first instance remain active thanks to prompt recourse to remedies by the Public Prosecutor's Office and special prosecutors, with the aim of finding those responsible. Preliminary enquiries show that some of the murders were ordinary offences or committed by organized crime.

IV. Economic and social rights

A. Right to health

38. The Constitution establishes that the human person is the highest objective of society and the State and recognizes the right to health as an inalienable right, urging all citizens to assist in the promotion and maintenance of their own and the community's health. There are 28 public hospitals in Honduras.

39. The national health system has been marked by poor oversight, fragmentation into small programmes, inefficiency in budget implementation and inequity in health service provision, all of which has made it necessary to launch a reform of the health sector in order to create a diverse, integrated health system that is financially sustainable. To that end the Honduran Government, through the Ministry of Health and with international technical and financial support, has promoted new models of management and decentralized service provision in order to reduce social exclusion. Since 2005, 17 health units have been created, covering 60,130 inhabitants, bringing the current total to 115 units covering 854,576 inhabitants.

40. In terms of care for vulnerable groups, the HIV/AIDS Act was passed in 1999 with the basic aim of protecting the human rights of those living with HIV/AIDS. There are 35 comprehensive care centres or specialist centres for the care of persons with HIV and other sexually transmitted infections, where care and medication are provided. Two of these centres are in the main prisons, and rapid HIV screening is guaranteed throughout the prison system.

41. In 2005 the National Health Plan 2021 was prepared;⁶ it is currently undergoing thorough reform.

B. Right to education

42. According to the Constitution, “education is an essential function of the State in conserving, promoting and disseminating culture, the benefits of which must be transmitted to society without discrimination of any kind; public education shall be secular and based on fundamental principles of democracy. It shall instil and promote in all students a deep feeling of Honduran patriotism and shall be directly connected with the country’s economic and social development process”.

43. The Ministry of Education is responsible for administering the national education system. A process of educational change and reform was launched in 2000 with the aim of ensuring that children and young people acquire the necessary basic skills; a national core curriculum with corresponding syllabus was devised, in order to ensure quality education with social and gender equity and allow the social and cultural development of communities. The National Core Curriculum includes human rights education with an emphasis on participatory democracy, which aims to provide an education based on ethical, moral and civic values, in a framework of equality, justice, interculturality and sex education.

44. As to higher education, the State universities such as the National Autonomous University of Honduras and the Francisco Morazán National Pedagogical University have introduced postgraduate programmes in human rights at the diploma and master’s levels.

45. Through the Ministry of Education, around 32.28 per cent of the national budget is invested in preschool, basic and lower secondary education, a relatively low figure by comparison with national demand.

46. The biggest effort is being made in primary education, where net coverage is 86 per cent of the population of primary school age; gross coverage is 99.25 per cent, however, which includes children under 7 and over 13. A large sector of the population has no access to primary education, particularly in rural areas.

47. Illiteracy remains a priority issue for the national education system. Various programmes have been implemented to eliminate illiteracy, including EDUCATODOS, the basic education support programme PRALEBAH, “El Maestro en Casa” (“A teacher in the home”), Telebásica and “Yo, sí puedo” (“Yes I can”). Non-governmental sectors also make a major contribution with educational programmes on radio and television to facilitate access to basic and lower secondary education in the areas most remote from schools, like those broadcast by the Institute of Radio Education. All these projects are supported by the Honduran Government.

48. In terms of progress in 2006–2010, there have been percentage gains in student numbers, in the establishment of schools across the country and in the creation of new teaching posts by the Ministry of Education. Comparative figures show that total student enrolment in 2006 at all levels was 2,054,612, while in 2009 total enrolment was 2,089,901, an increase of 10.17 per cent.⁷

49. As to new schools, in 2006 there were a total of 18,820 schools nationwide, and by 2009 there were 4,145 new schools, bringing the total to 22,965, an increase of 22.02 per cent.

C. Right to culture

50. Honduras guarantees the protection of the cultural heritage. The notion of culture rests on strengthening of the national identity, research into and saving and publicizing of the cultural heritage, art education, the conservation and protection of the historic and

cultural heritage, and the organization, promotion and development of sports as part of the all-round education of the population of Honduras.

51. The Ministry of Culture, Arts and Sports has as short- and medium-term goals the strengthening of culture as a fundamental human right through the coordination of multiculturalism and interculturality. Honduras recognized the diversity of its population in a presidential order of 1994 establishing its multicultural, multilingual nature.

52. In 1997 the Cultural Heritage Protection Act was passed, with the aim of defending, conserving, reclaiming, rescuing, restoring, protecting, researching, publicizing and extending the constituent parts of the nation's cultural heritage to be found throughout the national territory and in Honduran territorial waters, and passing them on to future generations.

53. In 2005 the National Reading Plan was launched, comprising campaigns to promote the reading habit by means of mobile libraries and in coordination with public libraries and the national public library network.

54. Culture is disseminated by means of publications, 49 cultural centres around the country, cultural programmes in the media, independent and State organizations, and 193 public libraries.

55. The performing arts are a State responsibility and are supported through teaching institutions, orchestras and bands, theatres, dance and special programmes for children, the main performing centre being the Manuel Bonilla National Theatre in the capital. For the plastic arts, the National School of Art is the Government institution responsible for training artists and craftworkers in various fields.

D. Ethnic groups, culture and development

56. Four development programmes have been created for ethnic groups: cultural micro-enterprise development, strengthening of cultural identity, an Afro-Honduran and Miskito integration and legislation programme and an indigenous peoples integration and legislation programme for the Pech, Lenca, Tawahka, Tolupan and Chortí peoples. There are also other programmes, such as the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups, which was set up at the request of the indigenous and Afro-Honduran peoples to meet their special needs in terms of education, notably language and culture in the classroom. Reading and writing materials in seven indigenous languages and in Spanish as a second language have been developed to underpin the curriculum.

57. To properly meet the educational needs of this school population, 1,300 teachers have been trained and have qualified as primary teachers specializing in bilingual intercultural education, and a further 1,300 are currently in training. The target population is 125,000 children, that is 100 per cent of the school population belonging to these ethnic groups.

E. Right to work

58. Everybody has the right to work and to freely choose and leave their occupation in equitable and decent conditions, and to protection against unemployment, within the legal framework of the international conventions and the Labour Code. The law guarantees job security for workers and, in order to implement and safeguard that security, competent institutions and courts have been established. The minimum wage for workers in the public and private sectors in 2009 was set at 5,500 lempiras in urban areas and in rural areas at 4,055 lempiras per month.

59. As part of the State policy on employment, the Decent Work Creation Scheme 2006–2010 was produced, with the objective, in the first phase, of creating more than 400,000 jobs and, in the second phase, 757,000 jobs. A goal of 650,000 new permanent jobs and 1,150,000 temporary jobs has been set for 2015. These targets are intended to improve the quality of life for the most vulnerable sectors, such as children, young people, older adults and women heads of family.

60. For young people, the “My First Job” programme was created in order to facilitate the entry to the labour market of around 6,000 urban youngsters of limited means between 15 and 19 years of age.

61. As to the prevention and gradual eradication of child labour, the plan for the hemisphere on decent work for 2020 is being implemented, with the aim of entirely eradicating the worst forms of child labour. In accordance with the institutional targets, in the last three years a total of 60,687 children have been withdrawn from workplaces, out of a total of 800,000.

62. As part of the programmes for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (2006–2016), a bill has been submitted to Congress on the creation of occupational workshops for persons with disabilities, in order to promote the full, dignified, productive, and remunerative inclusion in employment of persons with disabilities.

63. In the last four years the Honduran trade union movement has gradually gained strength. Between 2007 and 2010 the Ministry of Labour and Social Security dealt with 46 applications for recognition and legal status from new trade unions, taking the number of entries on the National Register of Social Organizations with Legal Status to 528.

F. Right to decent housing

64. The Constitution states that all Hondurans have the right to decent housing, which means housing with the basic services needed to set up a home.

65. The State of Honduras runs social housing programmes that aim to improve the standard of living of low- and medium-income families and devotes an average of 6 per cent of the national budget to housing and town planning. This is made possible by the work of 21 centralized and decentralized institutions.⁸

66. In addition, using an institutional structure comprising the Honduran Production and Housing Bank (BANHPROVI), the Property Institute (IP), the Social Housing Fund (FOSovi), the Honduran Social Investment Fund (FHIS), the National Agrarian Institute (INA), and municipalities, an average of 20,658 plots of land per year are legalized for families of limited means. The State gives each family a 46,000-lempira subsidy to build a house; an average of 5,289 subsidies has been granted in the last four years.

67. BANHPROVI also assists with funding for land title for plots, the building of new dwellings, home improvements and the purchase of plots, and promotes growth and development in productive sectors by providing short-, medium- and long-term financing.

68. FHIS is running four housing programmes⁹ for nine indigenous and Afro-Honduran peoples, the Chortí, the Lenca, the Tawahka, the Pech, the Tolupan, the Garífuna, the Miskito, and English-speaking Afro-descendants.

G. Right to food

69. In 2006 the Government adopted the Policy on Long-Term Food and Nutrition Security, which meets national needs by providing a comprehensive framework of guidelines for planning and programming in this area; it also incorporates and institutionalizes a series of national and international undertakings entered into by Honduras.

70. At the same time the food security policy establishes an action plan at the national level that identifies concrete tasks to be undertaken by the various ministries in order to ensure a coordinated and speedy response on behalf of families living in extreme poverty. These initiatives target population groups and geographical areas, taking account of specific needs and prioritizing the creation of opportunities for production and better access for the population to quality social services.

71. In order to implement the policy and action plan the Ministry of Social Development and Solidarity was created, later becoming the Ministry of Social Development.

72. More than 45 food and nutrition security programmes were implemented up to 2009, funded by the Honduran Government, cooperating countries and international agencies,¹⁰ and executed by Government agencies¹¹ and NGOs including CARE, ADRA, Save the Children and World Vision International (WVI).

73. The Government Solidarity Network programme was launched in 2006 to coordinate action to gradually improve conditions for human development, particularly for those living in extreme poverty in rural areas, by investing in health, nutrition, education, basic social infrastructure and production projects, targeting 1,534 villages in 17 departments around the country and covering some 230,000 families.

74. In the rural sector, food security is supported by soft loans and agricultural production programmes, to encourage the establishment of rural savings banks; funds were provided by the Ministry of Natural Resources, PRONADERS, the National Bank for Agricultural Development (BANADESA), BANHPROVI, FHIS and the Poverty Reduction Strategy (PRS). The information and public debate process is well under way and will lead to a food and nutrition security bill.

V. Rights of vulnerable groups

A. Women's rights

75. In the area of women's rights, and without prejudice to international undertakings in that regard, the Domestic Violence Act was passed in 1997 with the aim of protecting women's physical, psychological and sexual integrity, as well as their property, from violence of any kind on the part of their partner. This Act also established the domestic violence courts in Tegucigalpa and San Pedro Sula, and the Office of the Special Prosecutor for Women.

76. In 1998 the National Institute for Women (INAM) was established as an autonomous social development agency with legal and financial status whose purpose is to promote women's full involvement in the sustainable development process, on a basis of gender equality, and in all social, economic, political and cultural affairs. It is an autonomous body responsible for formulating, promoting and coordinating the implementation and oversight of the National Policy on Women.

77. Between 2002 and 2007, as a result of the historic struggles of the women's movement in Honduras and around the world, the National Policy on Women was put in place in order to promote gender equity and implement the international commitments of Honduras under the Convention on the Elimination of All Forms of Discrimination against Women,¹² the International Conference on Population and Development and the Fourth World Conference on Women.

78. The Equal Opportunities for Women Act was adopted in order to integrate and coordinate State and civil society initiatives to eliminate all forms of discrimination against women and attain equality between men and women before the law.

79. The following are the most important achievements in this area: creation of a Gender Unit in the police force; training for Honduran police in gender matters and prevention of gender violence, domestic and family violence and child sexual exploitation; implementation of measures to deal with violence against women, such as the 114 hotline, shelters, offices in police stations to take complaints of violence and improvements to education, training and infrastructure in order to attract more women to the police force; adoption of gender-equity policies within political parties, implementation to be overseen by the Supreme Electoral Court; creation of the Special Unit to Investigate Violent Deaths among Women, in the Office of the Special Prosecutor for Women.

80. The Inter-Agency Commission on Femicide was established in 1998 to guarantee implementation of the laws on violence against women; the Commission comprises various governmental and non-governmental bodies.¹³

B. Rights of children and adolescents

81. The Constitution establishes an obligation to protect children in accordance with international treaties and special legislation.

82. Honduras has been a party to the Convention on the Rights of the Child since 1990. In 1996 the Children and Adolescents Code was promulgated, establishing children's fundamental rights, creating and regulating the prevention and protection regime whereby the State ensures children's full development, and establishing the necessary mechanisms and procedures for access to justice. To oversee implementation of the Code, the Honduran Institute for Children and the Family (IHNFA) was established.

83. IHNFA runs three major programmes: the Family Welfare and Community Development Programme, with a predominantly preventive focus and with its main initiatives in three key areas, namely child welfare, strengthening the family and publicizing and promoting children's rights; the Social Intervention and Protection Programme, which aims to protect children at social risk by avoiding placement in care and to that end involving the family and society in the process of intervention and restitution of rights.

84. In order to protect children's rights, IHNFA regularly inspects the various State-run centres and private organizations working with children, and the Monitoring and Inspection Department made some 1,000 visits to various centres between 2006 and 2010.

85. Significant progress has been made in the use of non-custodial measures, which has reduced overcrowding in detention centres and resulted in an improvement in the care provided to children and adolescents who fall foul of the criminal law.

86. Concern has been expressed about alleged executions of children, which have figured in international publications in several countries, and this led the Office of the Special Prosecutor for Children to set up the Special Unit to Investigate Violent Deaths among Children, notably execution-like deaths. There were 107 complaints in Tegucigalpa

in 2009, 14 cases went to court, bringing the total including cases with trials pending from previous years to 46, and 9 sentences were handed down, all of them convictions. In 2010 there have been 108 reports, of which 36 are still active cases with an identified accused; in 20 cases arrest warrants have been issued and 51 cases are under investigation; only 1 case has been dismissed.

87. The measures adopted by the State to protect children and adolescents include the establishment of the Inter-Agency Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents; development of the Action Plan to Combat the Commercial Sexual Exploitation of Children and Adolescents 2006–2011; development of the Action Plan for the Gradual Eradication of Child Labour in Honduras 2006–2015; adoption of a code of conduct for the tourism sector (2005); creation of special police units to prevent and investigate offences of commercial sexual exploitation; establishment of standing coordination mechanisms for consulates via the Ministry of Foreign Affairs in order to enable repatriation of victims in other countries, with the cooperation of the International Organization for Migration (OIM); the 111 hotline for reporting violations of children's rights; and the creation of the Children's Rights Observatory in cooperation with the United Nations Children's Fund (UNICEF).

C. Rights of young people

88. Policy on youth is based on the obligations of Honduras under the international treaties it has ratified, namely the Convention on the Rights of the Child, the Ibero-American Convention on Young People's Rights, the Millennium Summit and the International Covenant on Civil and Political Rights.¹⁴ At the domestic level, Honduras has passed the Framework Act for Comprehensive Development of Young People, which establishes a framework for youth in Honduras, and the Covenant on Children, Adolescents and Young People.

89. The National Institute for Youth (INJ) has produced a preliminary draft of a national policy on youth containing seven basic lines of action for young people in various forums and workshops, namely empowerment of young people in participatory democratic processes, universal access to the knowledge society, digital inclusion and multilingual communication, popular culture, sport and recreation as a strategy for social inclusion and development, economic rights of young people through decent work and rural development, all-round health and a healthy lifestyle, social protection from violence and justice as a basis of a culture of peace.

90. Work is currently going on to strengthen the institutional structure through the municipal framework for youth, with the opening of regional and municipal youth commissions.

91. The national youth policy provides for the establishment of a network of youth organizations, an advisory board on youth affairs, juvenile courts, the promotion of volunteer programmes and a national scholarship programme, *inter alia*.

92. In terms of human rights, the National Institute for Youth runs a school for parents on young people's human rights and living together without violence or gender discrimination, organizes human rights training in the Municipal Youth Office and municipal youth commissions, organizes a social audit on implementation of young people's human rights, supports inclusion of courses on young people's human rights and ethical values in the National Core Curriculum, and a proposal to establish a special prosecutor for young people at the national level to defend their rights.

D. Rights of LGBT groups

93. On 17 August 2004 the State of Honduras granted legal status to three groups that had been requesting it for 15 years, Colectivo Violeta, Comunidad Gay and Grupo Gay Lésbico. There are many LGBT groups in Honduras and this decision by the State allows this community to pursue its activities and represents a step forward in the implementation of such international conventions as the American Convention on Human Rights.

E. Rights of older people

94. The rights of older people are established in the Comprehensive Act on Protection for Older Persons and Retirees,¹⁵ the regulations to which are currently being reviewed. The Directorate-General for Older Persons has been established under the Ministry of Internal Affairs and Justice, which has a legal mandate to regulate affairs concerning older people, with the aim of ensuring compliance with the Act.

95. One of the tasks of the Directorate-General is to grant a benefit or pension to a small number of older people living in extreme poverty or who are socially vulnerable; this is a subsistence benefit amounting to 500 lempiras per month plus a thirteenth and fourteenth month. The Directorate-General also deals with complaints from older people.

96. The Directorate-General has launched an inspection and enquiry into the workings of centres for older persons in order to establish the living conditions in such institutions; there are 16 such centres around the country, of which 2 are profit-making private centres, 2 are State-run and 12 are non-profit institutions that care for older persons living in poverty, and which are supported by private individuals and charities.

97. The short- and medium-term goals with regard to development of the rights of older persons include the preparation and implementation of a national policy on older persons; an increase in the number of beneficiaries of the subsistence pension, with a view to improving the quality of life of older persons in extreme poverty; publicizing the Comprehensive Act on Protection for Older Persons and Retirees around the country; and establishing an older persons unit in every municipality in Honduras.

98. Benefits under the Comprehensive Act on Protection for Older Persons and Retirees include discounts on bills for treatment in hospitals and private clinics, the purchase of medicines and surgical materials, medical and dental consultations, recreational activities, discounts for air, land and sea transport, and benefits provided by the social insurance and security institutes. Just 23,054 individuals (7.7 per cent) receive any form of retirement benefit or pension in Honduras. The Family Allowance Programme (PRAF) offers a half-yearly voucher for 600 lempiras to a very small group aged over 60 in certain departments of the country.

F. Rights of persons with disabilities

99. In May 2004 the State of Honduras adopted the National Policy on the Prevention of Disabilities, Comprehensive Care and Rehabilitation for Persons with Disabilities and Promotion and Protection of their Rights and Responsibilities.¹⁶ In 2005 the Act on Equity and Comprehensive Development for Persons with Disabilities entered into force, establishing the Directorate-General for Development for Persons with Disabilities, which began functioning in 2008. The Directorate-General is part of the Ministry of the Interior and Justice and is required to regulate and coordinate initiatives to promote and enforce the rights of persons with disabilities.

100. Some of the most important projects of the Directorate-General are the preparation of a national plan on universal accessibility, which provides technical guidelines and deals with several aspects relating to technology, information, communication, transport and the physical environment; and a mechanism for identifying and registering persons with disabilities, in order to guarantee their rights on the basis of the World Health Organization (WHO) International Classification of Functioning, Disability and Health. The Directorate-General also has a rights enforcement unit to receive and deal with complaints.

101. In 2007 the Office of the National Commissioner for Human Rights (CONADEH) Special Programme for Persons with Disabilities was set up and in 2010 the Disability Unit of the Ministry of Social Development, the Office of the Special Commissioner on Disability of the Office of the President, and the position of Minister-Adviser to the President on Human Rights were established. In addition, Congress established a committee for liaison with the disabilities sector, under the Congressional Human Rights Commission.

102. During the 2009 elections, which were supervised by the Supreme Electoral Court, in cooperation with the Organization of American States (OAS) and the Mirador Electoral (Elections Watchdog), special support mechanisms were developed to boost the participation of persons with disabilities around the country.

103. In 2009 the Directorate-General for Development for Persons with Disabilities and the National Registry Office, with the support of UNICEF and the Honduras Social Development and Welfare Fund FIDAS/FHIS, launched a campaign to register children with disabilities (“Children have a right to a name and nationality”). A special mechanism is now being developed by the National Registry Office to facilitate contact between the identification service and children with disabilities.

104. In 2009, with the support of Japanese Cooperation (JICA), the Honduran Movement for an Independent Life was founded, and it has already concluded a Covenant on the Enjoyment of Rights and a Better Standard of Living for Persons with Disabilities.

105. Honduran civil society is working closely with the Government sector in the Honduran National Committee on Education for All Visually Impaired Children to implement the Plan on Education for All Visually Impaired Children 2010–2012, which targets visually impaired schoolchildren.

G. Rights of migrants

106. High unemployment rates, combined with the difficult economic situation currently affecting Honduras, drives Hondurans to emigrate to more developed countries that can offer a better standard of living, notwithstanding the frequent violations of their human rights in transit countries and destination countries that are committed not only by ordinary criminals and organized crime but also by migration authorities, police, the army and civil authorities in general, a situation that is exacerbated by new laws criminalizing irregular migration.

107. For this reason the National Policy on Migrants¹⁷ was developed; coordinated by the Ministry of Foreign Affairs, it is implemented in close cooperation with the competent Government bodies and human rights NGOs working with migrants.

108. The strategic components of the National Policy on Migrants are prevention, social, cultural and legal aid to Hondurans abroad, help for returning migrants, and regulation of legal movement of persons by means of agreements and treaties between countries of origin and destination, which results in migration of legally documented workers and encourages the best use and investment of remittances.

109. The State has assembled and allocated humanitarian resources for the migrant population in the Solidarity Fund for Honduran Migrants in Vulnerable Situations,¹⁸ which has an annual budget allocation of 15 million lempiras, an amount that should increase annually at least in line with the rate of inflation established by the Central Bank of Honduras for the preceding year.

110. These funds are allocated to persons of limited means in cases such as repatriation of remains, serious ill health, amputation, terminal illness, assistance to victims of human trafficking or kidnapping, repatriation of unaccompanied minors, women and older people in vulnerable situations, tracing of persons who go missing in the course of migration, and immediate aid to migrants deported by air or overland.

111. The most significant example of the provision of services abroad by Honduran labour is the 800,000 to 1 million Hondurans living in the United States of America, some 73,000 of whom currently benefit from Temporary Protected Status (TPS). The State is taking the necessary diplomatic steps for the continuation and extension of TPS.

112. As part of Honduran foreign policy, major international agreements have been signed and ratified and steps taken to ensure support and full development for migrants and their families, as follows: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Agreement on Inter-agency Cooperation and Assistance between CONADEH, the Honduran Ministry of Foreign Affairs and the Mexican National Human Rights Commission.¹⁹

H. Rights of the indigenous and Afro-Honduran peoples

113. One of the guiding principles of the Vision for the Country is recognition of Honduras as a multicultural and multilingual country. Of its more than 7 million inhabitants, 11 per cent belong to indigenous or Afro-Honduran peoples. The regions with the highest poverty and illiteracy rates are also those with the highest numbers of indigenous or Afro-Honduran inhabitants. The Constitution requires the preservation and stimulation of native cultures, genuine expressions of Honduran folklore, and popular art and crafts.

114. FHS and the Ministry of the Interior and Justice are implementing the Programme for the Comprehensive Development of Indigenous Peoples, which is comprehensive, cross-sectoral and participatory, and incorporates as cross-cutting aims social inclusion, gender and the environment. The objective of the programme is to improve the standard of living of the indigenous peoples of Honduras and contribute to their comprehensive, sustainable development in the economic, social, cultural and environmental spheres.

115. There is also a special plan that aims to ensure the proper implementation of the Presidential Programme on Health, Education and Nutrition, which in turn is intended as a strategy to ensure that indigenous and Afro-Honduran inhabitants who meet the eligibility requirements receive the benefits of the project, in a culturally appropriate manner.

116. At the institutional level, the current Government has approved the establishment of a Ministry for the Development of the Indigenous and Afro-Honduran Peoples and the Promotion of Policies on Racial Equality, whose objective will be the comprehensive development of these peoples throughout the country.

117. In 1994 the Office of the Special Prosecutor for Ethnic Groups and the Cultural Heritage was established in the Public Prosecutor's Office in order to guarantee the effective enjoyment of the human rights of the indigenous and Afro-Honduran peoples.

118. In 2005 the Inter-Sectoral Commission on Land Title, Expansion, Compensation and Protection for the Miskito and Garifuna communities of Honduras was set up; coordinated

by the National Agrarian Institute (INA), it includes other ministries and representatives of the Miskito and Garífuna communities.

119. In 2006 Congress established the Ordinary Committee on Ethnic Groups, which in 2010 became the Special Liaison Committee for the Indigenous and Afro-Honduran Peoples. The indigenous and Afro-Honduran peoples will participate in this Committee as observers, monitoring legislative proposals and other matters of interest.

I. Right to a healthy environment

120. The State of Honduras has passed laws and regulations to protect the environment, such as the regulations on observing the whale shark in the Islas de la Bahía, the regulations for managing and *ex situ* conservation of species of woodland fauna and the regulations on solid waste management.

121. The Ministry of Natural Resources and the Environment has prepared and adopted, internally, a national water policy to provide guidelines and lay the basic foundation for the recovery, protection and appropriate management of water resources in Honduras over the next 15 years. In addition, to protect the lake of Yojoa, the General Regulations to the Yojoa Basin Protection Act were adopted.

122. Various environmental projects have been carried out, such as the transborder biosphere project “Heart of the Meso-American Biological Corridor”, which benefited the inhabitants of the indigenous region (Miskito, Tawahka, Pech, Garífuna and Sumo or Mayangna); the establishment of the Alliance in Support of the National Implementation of the Programme of Work on Protected Areas; and the development of a management plan for the proposed Omoa land and marine reserve.

123. As a means of controlling the import, distribution and use of substances that deplete the ozone layer, a refrigerants-management plan is being developed. Honduras has presented to the Executive Committee of the Multilateral Fund of the Montreal Protocol a national proposal for the elimination of CFC in Honduras, whereby support will be given to the sectors with the highest consumption of CFC and the conversion of domestic refrigerating equipment will be encouraged, or else the use of substitute substances such as hydrocarbons, and the legal framework and national initiatives to comply with domestic obligations under the Montreal Protocol will be reinforced.

124. Implementation of the Regional Environment Programme in Central America (PREMACA-Danida) is under way, with the aim of reducing poverty in Central America by 2011, through improved environmental management by States and civil society, and the application of national law and regional and international environmental treaties.

125. The State of Honduras has worked out a Plan to Combat Desertification and Drought to combat the effects of drought, with interventions in the area formed by the 137 municipalities of the departments of Choluteca, Valle, El Paraíso, Francisco Morazán, La Paz, Intibucá, Yoro, Comayagua, Olancho, Santa Barbará and Lempira. In addition, 1,416,000 forest plants were produced and 834 hectares were planted in sites of ecological interest in order to preserve water sources, restore areas degraded by forest fires and pests, and for the purposes of beautification and the establishment of timber and energy plantations.

VI. Conclusions

126. In civil and political rights Honduras has made significant progress in the observance and promotion of human rights, notably by establishing institutions to ensure

compliance through coordination with the legislature in introducing far-reaching reforms that will produce more proactive justice and speedier application of the law, and legislation guaranteeing the full observance of human rights. There are still shortcomings, however, in the investigation of cases and in prison conditions as a result of constraints on budgets and human and technical resources, and these have prevented the full realization of all rights. The primary interest of the State of Honduras is nevertheless respect for the human rights of all its inhabitants without distinction of any kind.

127. As regards economic, social and cultural rights, Honduras is making major efforts to expand coverage and improve the quality of health and education services and social security, in part by expanding specialist human resources and establishing an appropriate and better equipped infrastructure, and this has yielded favourable results. These efforts are outpaced, however, by the growing needs of the Honduran population, which makes the establishment and expansion of a national budget in these sectors a matter of urgency.

128. This report makes clear the efforts Honduras has made to strengthen and develop its vulnerable groups, by introducing special legislation and meeting the international undertakings it has entered into in these areas. The focus of these efforts is the elimination of discrimination against women, older people and persons with disabilities. LGBT groups have been given legal status in order to protect their rights.

129. The State is also making efforts to eradicate child abuse, labour and sexual exploitation, trafficking, lack of opportunities for young people and in general all factors that have a negative impact on their full development; there are still factors within the State and society that restrict their full realization, however.

130. As to the migration of Hondurans abroad, particular points of concern for Honduras are not only the human rights violations experienced by migrants on their way through transit countries and into destination countries, but also the criminalization of irregular migration now ongoing in certain countries, which is a gross violation of these people's rights.

131. This report demonstrates the concern of Honduras for the protection and conservation of indigenous and Afro-Honduran native cultures, as reflected in the establishment of special units and laws to protect the various manifestations of the national culture, which will result in the full integration of these peoples into a properly consolidated society that respects their ethnic and cultural origins.

132. Honduras is a country that is extremely vulnerable to the effects of climate change and it is redoubling its efforts to join the main forums and sign the most important international agreements in this regard. The legacy of economic and human damage left by natural disasters in Honduras continues to impact on the national economy and the social development of its people.

133. The State's efforts to create a stable and appropriate ecosystem involve all sectors of the country, including municipalities, cooperatives, employers' organizations, environmental foundations, civil society organizations, human rights NGOs, and others who view with concern the rapid deterioration — particularly rapid in developing countries — of the global environment.

134. This report includes in the relevant sections information on progress made by the State of Honduras with regard to the concluding observations of the Committee against Torture on its initial report on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the concluding observations of the Human Rights Committee on implementation of the International Covenant on Civil and Political Rights.

Notes

- ¹ Diálogo Guaymuras — Acuerdo Tegucigalpa/San José, para la reconciliación nacional y el fortalecimiento de la democracia en Honduras, punto No. 6 — sobre la Comisión de Verificación y la Comisión de la Verdad.
- ² Decreto Ejecutivo N. PCM-011-2010.
- ³ Carta del Señor Presidente de la República, Don Porfirio Lobo Sosa, a la Organización de Estados Americanos (OEA).
- ⁴ Carta del Señor Presidente de la República, Don Porfirio Lobo Sosa, a la Oficina del Alto Comisionado para los Derechos Humanos de Naciones Unidas (OACNUDH).
- ⁵ Ver Cuadro de denuncias de violaciones a derechos humanos realizadas con posterioridad al 28 de junio de 2009.
- ⁶ Ver Plan Nacional 2021.
- ⁷ Ver cuadros comparativos docentes, centros y matriculas.
- ⁸ Banco Nacional de Desarrollo Agrícola (BANADESA), Banco Hondureño para la Producción y la Vivienda (BANHPROVI), Fundación para el Desarrollo de la Vivienda Social Urbana y Rural (FUNDEVI), Instituto de Previsión del Magisterio (IMPREMA), Instituto Nacional de Jubilaciones y Pensiones de los Empleados Públicos (INJUPEMP), Instituto de Previsión de los Empleados de la Universidad Nacional Autónoma de Honduras (IMPREUNAH), Instituto de Previsión Militar (IPM), Secretaría de Obras Públicas, Transporte y Vivienda (SOPTRAVI), Programa Nacional de Desarrollo Rural Sostenible (PRONADERS), Fondo Hondureño de Inversión Social (FHIS), Fondo Social de la Vivienda (FOSOVI), Instituto Nacional Agrario (INA), Programa de Desarrollo de la Región del Trifinio (PRODERT), Empresa Nacional de Energía Eléctrica (ENEE), Sistema Nacional de Acueductos y Alcantarillados (SANAA), Empresa Hondureña de Telecomunicaciones (HONDUTEL), Alcaldías, Secretaría de Recursos Naturales y Ambiente (SERNA), Estrategia de Reducción de la Pobreza (ERP), Programa de Vivienda Ciudadana y Crédito Solidario (PROVICCSOL).
- ⁹ Programa de Vivienda Japón, dirigido a la construcción en áreas semiurbanas y rurales; Programa de Sustitución de Vivienda para el Combate al Mal de Chagas, dirigido a la construcción y mejoramiento de vivienda en la zona rural; Programa de Mejoramiento de Barrios, dirigido al desarrollo urbano de comunidades y el Programa Nuestras Raíces, que contribuye a una mayor participación de los pueblos Indígenas y Afro hondureños en el proceso de desarrollo integral de sus comunidades mediante la ejecución de proyectos para el mejoramiento y construcción de viviendas.
- ¹⁰ Gobierno de España, Estados Unidos, Suiza, Unión Europea, FAO, PMA, AECI, USAID, OPS/INCAP y Banco Mundial.
- ¹¹ Secretaría de Agricultura y Ganadería, Secretaría de Salud, Secretaría del Despacho Presidencial, Secretaría de Finanzas, PRONADERS, DINADERS, INA, Fondo Nacional de Desarrollo Rural Sostenible, Instituto Hondureño de Turismo, Suplidora Nacional de Productos Básicos (BANASUPRO), BANHPROVI, FHIS, Secretaría de Educación, Secretaría de Gobernación, Secretaría de Industria y Comercio y Programa de Asignación Familiar (PRAF).
- ¹² Ver en anexos documento explicativo de la Convención sobre la Eliminación de todas las Formas de Discriminación contra la Mujer elaborado por el INAM.
- ¹³ Fiscalía Especial de la Mujer, Instituto Nacional de la Mujer, Unidad de la Mujer de la Dirección Nacional de Investigación Criminal, Unidad de Género de la Secretaría de Seguridad, Programa Especial de Derechos de la Mujer del Comisionado Nacional de los Derechos Humanos, Colectivo Feminista de Mujeres por la Paz Visitación Padilla, Centro de Estudios de la Mujer – Honduras (CEM-H), Centro de Derechos de la Mujer (CDM) y el Colectivo Feministas de Mujeres Universitarias (COFEMUN).
- ¹⁴ Ver en anexos el documento de la Política Nacional de Juventud 2007–2030.
- ¹⁵ Ver en anexos el documento de la Ley Integral de Protección al Adulto Mayor y Jubilados.
- ¹⁶ Ver en anexos el documento de la Política Nacional para la Prevención de la Discapacidad, Atención y Rehabilitación Integral de las Personas con Discapacidad y la Promoción y Protección de sus Derechos y Deberes.
- ¹⁷ Ver en anexos Decreto No. PCM-002-2008.
- ¹⁸ Ver en anexos Decreto No. 179-2007.

- ¹⁹ Ver en anexos documento de Convenio de Colaboración y Asistencia Interinstitucional entre el CONADEH, la Secretaría de Relaciones Exteriores de Honduras y la Comisión Nacional de los Derechos Humanos de México.
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