

ADVANCE QUESTIONS TO HONDURAS – Add.1

CZECH REPUBLIC

- What steps has the Government taken in order to investigate numerous cases of human rights violations during and after the 2009 coup d'état and to address impunity for these crimes?
- What are the specific measures to protect the rights of vulnerable groups, i.e. women, LGBTs, indigenous peoples?
- Is there any specific human rights training available for the members of the police and security forces?

DENMARK

- What are the perspectives for adopting the draft penitentiary law and the draft law on reparation for victims of human rights violations in the National Congress?
- What will the Honduran Government do to ensure that the Truth Commission will conduct immediate, independent, transparent and thorough investigations into all human rights violations committed since 28 June 2009; bringing those responsible to justice proceedings which meet international fair trial standards?
- Is collaboration with the alternative Truth Commission, established by the initiative of civil society organisations, foreseen?
- What will the Honduran Government do in order to ensure compliance with the rights of specific vulnerable and/or exposed groups such as human rights defenders, labour activists and journalists?
- What will the Honduran Government do to break the increase in domestic violence and assassinations (femicide)?

GERMANY

- In the context of her report on the impacts of the political events of August/September last year, the High Commissioner recommended that Honduras revises or abrogates national legislation incompatible with international standards, in particular provisions on crimes of sedition, illicit demonstrations, freedom of expression, political and electoral rights, torture, independence of the judiciary, the Police and Social Coexistence Law, and the State of Emergency Law, as highlighted by the United Nations Country Team (UNCT). What is of particular concern are reports about the killing of 10 journalists only in the course of 2010. Germany would be grateful for information on measures taken to follow-up on these recommendations and in

particular to hold accountable those who committed serious violations of human rights.

NETHERLANDS

- **Office of the National Commissioner for Human Rights**

In light of the important mandate and role of the Office of the National Commissioner for Human Rights (CONADEH; Ombudsman) to safeguard the rights and freedoms recognized in the Constitution and to guarantee access to justice for every citizen, as has been recalled in paragraph 17 and 34 of the national report, and with reference to paragraph 8 of the OHCHR compilation which calls attention to the alleged lack of independence of the Ombudsman and paragraph 11 and 12 of the stakeholder report which call for strengthening of the independence of the Ombudsman, what concrete measures does the Government of Honduras consider in order to guarantee the political independence and enhance the public credibility of this institution?

- **Eradicating violence against women**

Considering paragraph 31 and 32 of the OHCHR compilation which raise concerns about the prevalence of many forms of violence against women, the steady rise of gender-based, domestic and sexual violence, and the fact that the amount of femicides has more than doubled since 2007, what concrete measures will the Government of Honduras take to reduce violence against women?

- **Office of the Special Prosecutor for Human Rights**

Seeing that, according to paragraph 21 of the national report, the Office of the Special Prosecutor for Human Rights has, inter alia, the responsibility to monitor, report and investigate police abuses and ill-treatment where such acts occur during arrest, and with reference to paragraph 13 of the stakeholder report which implies that there is a need for strengthening of the Office of the Special Prosecutor for Human Rights, does the Honduran Government intend to take measures to strengthen the capacity of the Office of the Special Prosecutor for Human Rights as well as to protect the physical security and integrity of the Special Prosecutor for Human Rights?

- **LGBT**

With reference to paragraph 35, 36 and 37 of the stakeholder report which mention the occurrence of violations of the rights of lesbian, gay, bisexual and transgender persons as well as acts of violence committed against these persons, while taking note with appreciation of the decision by the Government of Honduras to grant legal status to three LGBT groups as is detailed in paragraph 93 of the national report, how will the Government of Honduras combat the discrimination of and the violence against LGBT persons and promote full respect for the fundamental rights of these persons in line with international human rights law?

- **Freedom of expression**

Paragraph 52 of the OHCHR compilation states that in May 2010 a group of Special Rapporteurs called on the Government of Honduras to take urgent

action to address the increasing vulnerability of journalists operating in the country following the murders of seven journalists in the six weeks prior to their appeal and threats against others. In light of this call for action, while taking into account the request made by the Government of Honduras for international cooperation with the investigation in these and other cases of murders of journalist, and with reference to paragraph 25 which claims that attacks against journalists seem to be increasing in recent years and especially since the beginning of 2010, what measures will the Government of Honduras take to reduce violence and threats thereof against journalists in the future?

- **Truth and Reconciliation Commission**

The report of High Commissioner of Human Rights on the violations of human rights in Honduras characterizes the events of 28 June 2009 as a *coup d'état* (A/HRC/13/66) and concluded that the derogation from guarantees during the events was incompatible with the international obligations of Honduras and that actions by the security forces were characterized by the disproportionate use of force, cases of torture and ill-treatment, and arbitrary and illegal detentions were reported. The report states that the events had given rise to a number of human rights violations, most of which remained unpunished. With the view of ensuring the effective functioning of the Truth and Reconciliation Commission 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, as is recalled in paragraph 9 of the national report, and with reference to paragraph 46 of the stakeholder report which implies that the Truth and Reconciliation Commission does not have the support of national and international human rights organisations in part due to the alleged lack of clarity over the scope of mandate of the Commission. How will the Honduran Government ensure that truth finding takes places both for establishing the facts that led up to the coup d'état, as well as of cases of human rights violations that occurred after the events of 28 June 2009? Moreover, does the Government of Honduras intend to initiate further legal proceedings against those found responsible for human rights violations that occurred before and after 28 June 2009?

SLOVENIA

- What measures are being taken to ensure that immediate, independent, transparent and thorough investigations are conducted into all reports of human rights violations, including sexual violence, since 28 June 2009?
- What is being done to fully restore freedom of expression and to allow the full functioning of independent media?

SWEDEN

- In its national report to the UPR, the government of Honduras outlined its commitment to ensuring that torture or other cruel, inhuman or degrading treatment or punishment does not occur in Honduras. Following the violation

of constitutional order that took place on 28 June 2009, a Truth and Reconciliation Commission was established in May 2010. Sweden supports the work of the Commission and we are looking forward to the Commission's findings and recommendations. At the same time, Sweden is concerned by credible reports that torture and ill-treatment have occurred in prisons and detention centres in the aftermath of the violation of the constitutional order. Sweden is further concerned about reported allegations of disproportionate and excessive use of force by the police and military and by the methods employed by the police in response to the widespread demonstrations which have occurred since 28 June 2009.

Could the government of Honduras elaborate on the actions it has taken to investigate these allegations of abuses and hold responsible persons accountable, in fulfilling its obligations as party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment?

- Sweden is concerned at the elevated and increasing homicide rate in Honduras, especially regarding the situation of journalists. In January 2010 Amnesty International reported that seven journalists had been killed during the past three months. Human rights defenders and NGO's have called on Honduras to ensure that journalists, opinion makers and members of the political opposition are free to express their criticisms and views and to put an end to the intimidation of journalists.

Could the government of Honduras elaborate on measures it is taking to protect and to promote freedom of expression and freedom of the media, in accordance with its commitments under the International Covenant on Civil and Political Rights, including by way of investigating and bringing to justice those responsible for violence directed at journalists.

SWITZERLAND

- What are the concrete political measures implemented by the national authorities to guarantee the freedom of expression and to fight intimidations against journalists and human rights defenders, and what are the concrete measures taken to investigate such allegations?
- The security situation of Honduras is worrying. The level of violence is high and basic human rights are not guaranteed due to organized crime, gang criminality, lack of food security, etc. What does the Government of Honduras do to restore the security of its citizens?
- Widespread impunity is a breeding ground for criminality and insecurity. What does the Government of Honduras undertake to strengthen the institutions in charge of criminal investigations as well as the judiciary system.