

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review: 3rd Cycle, 36th Session

HONDURAS

I. BACKGROUND INFORMATION

Honduras ratified the *1951 Convention relating to the Status of Refugees and its 1967 Protocol* in 1992 with reservations to Articles 7,17, and 34 of the Convention. In 2012, Honduras ratified the *1954 Convention relating to the Status of Stateless Persons* (the “*1954 Convention*”), with the reservation that the expression “treatment as favourable as possible”, referred to in those of its provisions to which reservations may be made, must not be understood to include the special treatment which has been or may be granted to the nationals of Spain, the Latin American countries in general, and in particular to the countries which constituted the United Provinces of Central America and now form the Organization of Central American States. It also acceded to the *1961 Convention on the Reduction of Statelessness* (the “*1961 Convention*”) in 2012.

In terms of Honduras’ national legislative framework, in 2004, the Government passed a migration law which established the right to seek asylum. The law applies the refugee definition under the Cartagena Declaration, and incorporates persecution based on gender as a specific ground for refugee status. The legislation reaffirms the country’s commitment to ensure international protection by establishing basic procedural standards for asylum adjudication and by naming the National Migration Institute (Instituto Nacional de Migración – INM) as the competent authority to oversee the asylum system. At the procedural level, the INM established the Human Rights and Assistance to Irregular Migrants (GDHAMI) unit as a specialized entity to process asylum requests. With respect to internally displaced persons (IDPs), in 2013 the Government of Honduras recognized the situation of internal displacement through Executive Decree PCM-053-2013 but has not adopted specific legislation pertaining to IDPs. A bill has been proposed to Congress on the Protection and Prevention on IDPs, however, it not yet been reviewed.

The current situation is characterized by a situation of protracted internal displacement. Despite the fact that forced displacement was recognized by the Government in 2013, an adequate response remains a challenge due to: i) multiple flows of people within the same high risk zones (people in risk of displacement, internally displaced persons (IDPs), deportees, and the population as a whole); ii) a crisis of rule of law due to governance problems that inhibit an adequate response to human rights violations and widespread violence mainly, but not exclusively, in urban settings.

According to Government data, it is estimated that there are approximately 58,500 households where at least one of the members moved internally due to violence between 2004 and August 2018. These findings imply that 247,090 people (2.7 per cent of the population of Honduras) have been affected by internal displacement, and suffer its impacts to a greater or lesser extent. Of the total, 191,000 people (77 per cent of current household

members) were directly displaced by violence or other human rights violations, while the other 56,000 people correspond to members who were born or incorporated in a second time into affected households. The largest number of displaced persons is found in households headed by women (55 per cent) and those with the greatest number of minors are the most impacted by displacement (43 per cent), about 3 per cent more than the nondisplaced population.

Displacement occurs due to multiple causes, however, the main causes that have been identified are extortions, threats against life, physical integrity, security and the exercise of rights and freedoms. In addition to this various dynamics of violence, armed structures (maras) and behavior patterns feed coercion, fear and population control. 77 per cent of displaced households had been victims of specific acts of violence, while one fifth of households moved as a measure of self-protection, for fear of a situation of widespread violence. In 45 per cent of cases, specific acts of violence were also combined with fear of high levels of violence in the community.

In geographical terms, displacement is concentrated in areas with greater population and economic development, but also in those with higher rates of violence. 82 per cent of the displacements occurred in the departments of Cortés, Francisco Morazán, Olancho, Atlántida and Yoro, which together concentrate about 55 per cent of the country's population.

The reduction of violence and the attention and protection of victims is one of the most important challenges facing Honduras. In 2012, the country topped the list of the highest homicide rate globally, 85.5 persons per 100,000 inhabitants. In response, the Government implemented a series of reforms in security, justice and human rights systems in order to reduce the high rate of violence. These measures succeeded in cutting down the level of violence to less than half in just six years, reaching 41.4 persons in 2018. However, the rate of violence in the country remains high. Poverty and inequality add to the continued impact of violence. The number of mass killings and assassinations has increased in 2019. As of the 8th of August there have been 41 mass killings with 144 victims, surpassing 2018 which saw 38 mass killings with 130 victims. There also continues to be a significant flow of people in search of protection moving in and out of the country. In 2012, the number of Honduran asylum-seekers barely exceeded one thousand people annually; in 2018 this figure increased to 41,500 applications. In the same period of 2012-2018, the number of Honduran refugees abroad increased from 2,613 to 18,900. Additionally, the country continues to face a political crisis within a context of institutional fragility. The increased number of confrontations between citizens and authorities due to civil unrest has generated a volatile scenario that can increase violence and can constitute an additional cause of displacement.

Regarding returnees, according to the official figures of the Consular and Migratory Observatory of Honduras (CONMIGHO), until the end of August 2019, a total of 79,808 Hondurans (49,348 men, 11,988 women and 18,472 children) have been returned. More specifically, between January-August 2019 the number of people returned to Honduras increased by 58.7 per cent (29,520 people) compared to the same period observed last year. Due to the significant increase of the returned people, a significant number of them may be in need of international protection.

On the other hand, political instability and serious human rights violations in Nicaragua have caused more people with international protection needs to enter Honduras. Compared to 2017, where 17 asylum applications were submitted, in 2018, Honduran authorities received 87 applications, mainly from Nicaraguan citizens. In 2019, 57 new asylum applications were received. The reconfiguration of routes to reach the United States has also made Honduras a transit country. In June 2019, the National Migration Institute (INM) reported that the number of irregular migrants in transit exceeded what was recorded in 2018. Until on June 1,

about 17,865 irregular migrants in transit were registered by the INM, of which 16,054 were of Cuban nationality. Possible bilateral negotiations on a safe third-country agreement with Guatemala can lead nationals who are not from Northern Central American region, but who transit through Honduras to remain and seek asylum, which can further reverse the capabilities of the fragile asylum system.

II ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Issue 1: Protection of children

Linked to 2nd cycle UPR recommendation no.124.58 supported by the Government: “Take necessary measures to achieve the social reintegration of boys, girls and adolescents’ victims of armed gangs.” (Paraguay);

State actions with respect to children apply the best interests of the child principle and Honduran consular networks in Guatemala, Mexico and the United States have been trained on the application of the principle and on how to conduct best interest determinations. At the territorial and community level there are several programs and actions from the State and civil society to facilitate the reintegration of returned migrant populations.

Issue 2: Addressing discrimination and violence against women

Linked to 2nd cycle UPR recommendation n. 124.35 supported by the Government: “Take specific measures to protect women from being victim of discrimination and violence, including the appropriate investigation of such cases as well as the prosecution and punishment of perpetrators.” (Turkey)

Honduras created special units for investigations of gender-related crimes in 2018. The establishment of these special units represents an important step to address impunity associated with gender-related crimes with an inter-institutional approach.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Guarantees of protection for the minors

Linked to 2nd cycle UPR recommendation no.124.58 supported by the Government: “Take necessary measures to achieve the social reintegration of boys, girls and adolescents’ victims of armed gangs.” (Paraguay)

Despite progress made by the Government of Honduras to ensure the reintegration of boys, girls and adolescents victims of armed gangs, a number of deficiencies in the response framework undermine further efforts. The response to structural factors that lead to the recruitment into armed gangs and push boys, girls and adolescents to leave through irregular and dangerous migratory routes remains inadequate. It must be recognized that the population movement is multicausal and that, the breakdown of the family unit, domestic violence, poverty, inequality, problems of violence do not allow traditional protection mechanisms such as family and school to fulfill their protective role. Additionally, the State has not yet managed to ensure a dignified reintegration of children, families and deported Hondurans who have been returned to the country. Actions are not systematic, are of limited

scope, apply variable criteria and thus do not always guarantee the rights children and families upon their return to Honduras.

Recommendations:

UNHCR recommends that the Government of Honduras:

- a) Take measures to ensure the effective investigation of perpetrators who recruit children into armed groups;
- b) Establish comprehensive programmes for the prevention of recruitment and reintegration of children and adolescents;
- c) Implement a national strategy and a reintegration plan for returnees from Honduras that incorporates the specialized approach to the protection of unaccompanied children; and
- d) Develop assistance programs for children and their families, in cases of forced displacement.

Issue 2: Guarantees of protection for women

Linked to 2nd cycle UPR recommendation n. 124.35 supported by the Government:

“Take specific measures to protect women from being victim of discrimination and violence, including the appropriate investigation of such cases as well as the prosecution and punishment of perpetrators.” (Turkey)

Violence continues to impact women disproportionately and there is still a lack of comprehensive response to address violence against women as a cause of forced displacement.

Recommendation:

UNHCR recommends that the Government of Honduras:

- a) Take measures to strengthen the comprehensive response to women and children victims of violence, particularly to address violence as a cause of displacement and the increased vulnerability of displaced persons; and
- b) Improve identification mechanisms in returnee centers for survivors of sexual violence, and the identification and response to risks that may be faced upon return to their place of origin.

Additional protection challenges

Issue 3: Protection of communities of internally displaced persons

Honduras lacks a legal framework to address internal displacement which undermines the possibility for the Government to provide a coordinated response that includes the establishment of an assistance system that offers alternatives for the protection of victims as well as a response to the humanitarian impact of extortion, dispossession of homes and property. On the one hand, in the absence of a state response, victims of displacement may face multiple displacements. Each new internal displacement exacerbates a downward spiral in the living conditions of victims and is likely to increase the number of Hondurans seeking international protection. One of the reported reasons for multiple displacements is that displaced people often have no choice but to move to areas that are also controlled by gangs.

On the other hand, the absence of a state system to register internally displaced persons or to monitor internal displacement in Honduras results in a continued need to strengthen the

identification of persons in need of protection and to carry out community interventions to address how the impact of violence affects certain communities disproportionately.

Compounding these challenges, the increase in the numbers of individuals who are being returned to Honduras but who may be unable to return to their habitual place of residence, and the lack of internal relocation capabilities, continues to impact Honduras' capacity to respond to the challenges of internal displacement.

Recommendations:

UNHCR recommends that the Government of Honduras:

- a) Continue making all possible efforts to ensure adequate response and assistance for victims of internal displacement;
- b) Promote the passing of the proposed bill for the protection and prevention of victims displaced by violence presented to Congress in March 2019;
- c) Strengthen internal relocation capabilities to provide a more protective environment for persons returned to Honduras;
- d) Adopt measures to increase the identification capabilities of deportees with protection needs and ensure immediate protection for those who cannot return to their places of origin; and
- e) Increase the development and implementation of programmes and services in areas with high risks of internal displacement to address the deterioration of living conditions due to internal displacement.

Issue 4: Protection of refugees and persons in need of international protection

While Honduras has not faced a massive influx of persons seeking international protection, the lack of a formal framework for asylum adjudication and low reception capabilities weaken the overall protection system in the country. Several key issues need to be addressed, most notably:

1. Lack of effective access to the asylum system: Asylum claims can only be filed in three specialized centers and claims are all processed centrally in the capital. In addition, the Government does not have identification mechanisms in place nor capabilities to receive referrals of people identified who do not have the means to travel to the reception centers.
2. Honduras lacks an effective regulation on complementary protection deriving from the State's obligations under international human rights law. Existing regulations do not specify in which instances complementary protection applies and do not establish the status to be granted to persons in need of such protection.
3. Duration of adjudication of asylum claims is exceedingly long. The legislation in force establishes a 3-month timeframe to resolve a claim; however, the lack of a procedural framework for asylum claims results in long waiting periods that can average between 8 months to 1 year for a decision to be made.
4. Asylum-seekers do not enjoy the right to work in Honduras. The fact that asylum-seekers are not allowed to work, coupled with the lack of Government programs to provide socio-economic support, places asylum-seekers in a vulnerable situation, forcing them to work irregularly or exposing them to the risks of human smuggling and trafficking in pursuing onward movements.

Recommendations:

UNHCR recommends that the Government of Honduras:

- a) Adopt legislation that establishes a framework for asylum adjudication, dignified

- reception conditions and provides wider safeguards for refugees to enjoy access to work, education, livelihood programs and naturalization; and
- b) Take measures to regulate the provision of international protection with comprehensive provisions on the protection of refugees and on complementary protection as derived from its obligations under international human rights law.

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