



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the third periodic report of Honduras*

1. The Committee considered the third periodic report of Honduras¹ at its 4120th and 4121st meetings,² held on 4 and 5 July 2024. At its 4141st meeting, held on 19 July 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of Honduras and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies³ to the list of issues,⁴ which were supplemented by the oral responses provided by the delegation, and for the additional information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) The adoption, in 2024, of Decree No. 28-2024 establishing the Act on Shelters for Women Victims and Survivors of Violence in Honduras;

(b) The adoption, in 2023, of Decree No. 154-2022 establishing the Act for the Prevention of Internal Displacement and the Protection and Care of Internally Displaced Persons;

(c) The adoption, in 2021, of Decree No. 35-2021 establishing the new Electoral Act of Honduras;

(d) The creation, in 2020, of the Specialized Prosecution Unit for Combating Corruption Networks;

(e) The establishment, in 2019, of the Inter-Agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides and its implementing regulations;

* Adopted by the Committee at its 141st session (1–23 July 2024).

¹ [CCPR/C/HND/3](#).

² See [CCPR/C/SR.4120](#) and [CCPR/C/SR.4121](#).

³ [CCPR/C/HND/RQ/3](#).

⁴ [CCPR/C/HND/Q/3](#).



(f) The adoption, in 2019, of Legislative Decree No. 200-2018 establishing the National Electoral Council and the Electoral Court;

(g) The creation, in 2017, of the Ministry of Human Rights.

4. The Committee welcomes the accession by the State party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 16 January 2018.

C. Principal matters of concern and recommendations

National human rights institution

5. The Committee notes with satisfaction that, in 2019, the Office of the National Commissioner for Human Rights was reaccredited with category A status by the Global Alliance of National Human Rights Institutions. The Committee regrets, however, that the guidelines set out in the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) were not followed in the process of appointing the National Commissioner in 2020. While the Committee takes note of the increase in the Office's budget, it regrets that this budget is insufficient to enable the Office to properly fulfil its mandate and that the Office does not have full administrative autonomy to use the funds according to its needs. The Committee is also concerned about reports that the Office's recommendations are not implemented and that its requests for information are not always fulfilled (art. 2).

6. The State party should ensure that the process for the appointment of the National Commissioner for Human Rights is transparent and participatory and involves the full participation of civil society. The State party should step up its efforts to guarantee the implementation of the Office's recommendations and provide it with all the information it requires. The State party should also increase the Office's budget and grant it full financial autonomy so that it can use the funds according to its needs.

Fight against impunity and past human rights violations

7. While the Committee appreciates the adoption of measures such as the creation of the Programme of Memory, Truth, Reparation, Justice and Non-Repetition for the Reconciliation and Refoundation of Honduras, it reiterates its concern at the substantial number of recommendations by the Truth and Reconciliation Commission that have not been fully implemented and the lack of progress in prosecuting and sentencing the individuals responsible for the human rights violations committed during the 2009 coup d'état and the 2017 post-election crisis (arts. 2, 6, 7 and 14).

8. In line with the Committee's previous recommendations,⁵ the State party should implement the recommendations contained in the report of the Truth and Reconciliation Commission in full. The State party should redouble its efforts, including by providing the necessary resources, to investigate all human rights violations committed during the 2009 coup d'état and the 2017 post-election crisis and all others committed in the past, prosecute those responsible, impose penalties commensurate with the gravity of the offences, award full reparation to all victims and adopt measures to prevent the recurrence of such events.

State of emergency

9. The Committee is concerned about the application, since December 2022, of a state of emergency declared in response to the serious disturbance of peace and security caused essentially by organized criminal groups, which entails the suspension of rights enshrined in the Covenant, such as the rights of association and assembly, freedom of movement and the inviolability of the home. The Committee is concerned about reports of human rights violations in this context, including enforced disappearances, extrajudicial killings, torture and ill-treatment, illegal detentions and excessive use of force, in addition to allegations of reprisals against complainants. While the Committee takes note of the establishment of a

⁵ CCPR/C/HND/CO/2, para. 9.

committee to monitor the state of emergency, it regrets that, according to the information received, this committee has not been convened since April 2023 (art. 4).

10. In the light of the Committee's general comment No. 29 (2001) and the Committee's statement on derogations from the Covenant in connection with the coronavirus disease (COVID-19) pandemic, the State party should:

(a) **Guarantee that any measures introduced in the context of a state of emergency are in conformity with the Covenant and are strictly necessary, proportionate, temporary and subject to judicial review;**

(b) **Immediately inform the other States parties to the Covenant, through the intermediary of the Secretary-General of the United Nations, of the declaration of a state of emergency, the provisions derogated from, the reasons for the derogation and the date on which the derogation is terminated, in accordance with article 4 (3) of the Covenant;**

(c) **Step up efforts to prevent human rights violations and guarantee that all complaints concerning such violations committed during states of emergency are promptly and thoroughly investigated, that those responsible are brought to justice and, if convicted, punished, and that victims receive full reparation.**

Non-discrimination

11. The Committee recognizes the State party's efforts to combat discrimination through measures such as the inclusion in the 2020 Criminal Code of provisions punishing the offence of discrimination and the establishment of ministries for social development and women's affairs. Nonetheless, the Committee is concerned about the high levels of violence, including violent killings, committed against lesbian, gay, bisexual, transgender and intersex persons and about reports that this type of violence receives little attention. The Committee also regrets that there are no constitutional and legislative guarantees of equality and non-discrimination for lesbian, gay, bisexual, transgender and intersex persons, including those in adult same-sex relationships, and that other vulnerable groups, such as women, Indigenous Peoples, Afro-Hondurans and migrants, lack effective legal and institutional protection (arts. 2, 3, 6, 25, 26 and 27).

12. The State party should step up its efforts to prevent, combat and eradicate all forms of discrimination and provide effective protection. The State party should, inter alia:

(a) **Ensure that its legislative and policy framework prohibits discrimination, in particular intersectional, direct and indirect discrimination, including against women, Indigenous Peoples, Afro-Hondurans and migrants, in both the public and private spheres, and on all the grounds prohibited under the Covenant. It should also adopt the legislative and other measures required to guarantee that lesbian, gay, bisexual, transgender and intersex persons, including those in adult same-sex relationships, enjoy equality and are not discriminated against on the basis of their sexual orientation and gender identity;**

(b) **Increase public education and awareness campaigns and training for the judicial sector to promote tolerance and respect for diversity.**

Gender equality

13. The Committee welcomes the fact that women have access to the highest government positions, including the position of President of the Republic, in addition to the State party's efforts to ensure alternation and parity in the political sphere. However, the Committee is concerned about the fact that women's participation in political and public life remains limited and about the cases of political violence that affected women during the 2021 elections (arts. 3, 25 and 26).

14. The State party should continue its efforts to ensure effective equality between men and women in all spheres. In particular, the State party should:

- (a) Continue its efforts to increase the participation of women in political and public life and the public and private sectors, especially in decision-making positions;**
- (b) Strengthen measures to combat gender stereotypes and biases about the roles and responsibilities of men and women in the family and society.**

Violence against women and domestic violence

15. The Committee notes the State party's efforts to combat violence against women, including by creating gender mechanisms in public institutions, running awareness-raising and prevention campaigns and training sessions and establishing a unit within the Ministry of Security to address violent deaths of women. Nonetheless, it regrets that the Comprehensive Act on Violence against Women has not been adopted to date and that there is a lack of specialized protocols for the investigation of violence against women with a differentiated approach. The Committee reiterates its concern about the high rates of different forms of violence against women and girls, including domestic violence, and in particular the large number of violent deaths and femicides, as well as information pointing to a high level of underreporting (arts. 2, 3, 6, 7 and 26).

16. The State party should continue its efforts to prevent, combat and eradicate all forms of violence against women and girls. In particular, the State party should:

- (a) Adopt a comprehensive law on gender-based violence, guarantee the effective implementation of laws in this area, ensuring their conformity with the Covenant, and develop and implement specialized protocols for the investigation of violence against women, including femicide and violent deaths, with a differentiated approach;**
- (b) Ensure that all cases of violence against women, including domestic violence, are thoroughly investigated, that the perpetrators are prosecuted and, if convicted, punished with commensurate penalties, and that victims have access to full reparation and effective means of protection, including in rural and remote areas;**
- (c) Strengthen existing mechanisms in order to encourage women victims of violence to file complaints, and raise public awareness of the criminal nature of such acts;**
- (d) Provide more financial, technical and human resources in order to enhance capacity to prevent, investigate and prosecute cases of violence against women and provide adequate protection and assistance, including by expanding the network of shelters and Cities for Women centres;**
- (e) Strengthen ordinary and specialized training for judicial officials and members of law enforcement agencies, placing special emphasis on combating gender biases and stereotypes and revictimization, and consider establishing a protocol for joint action by judges, prosecutors, police and health authorities in order to ensure the investigation and, where appropriate, punishment of violence against women;**
- (f) Step up education and awareness-raising campaigns, aimed at all sectors of society, that promote a zero-tolerance approach to violence against women.**

Voluntary termination of pregnancy and sexual and reproductive rights

17. While the Committee acknowledges the approval of the free distribution and sale of the emergency contraceptive pill, it regrets that access is not yet guaranteed. The Committee is concerned that the State party has not taken any measures to follow up on its previous recommendations (para. 17) and that abortion continues to be classed as an offence punishable by imprisonment, without any exceptions, even when the pregnancy is the result of rape or incest or when there is a risk to the life or health of the pregnant woman or girl. It has been reported that thousands of women seeking abortions have resorted to clandestine services that put their lives and health in danger (arts. 6, 7 and 8).

18. Bearing in mind the Committee's previous recommendations (para. 17) and paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life, the State party should:

(a) Amend its legislation to guarantee safe, legal and effective access to abortion where the life and health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or where it is not viable;

(b) Repeal the criminal sanctions applied to women and girls who undergo abortion and to medical service providers who assist them in doing so and, at the same time, adopt measures to prevent women and girls from having to resort to clandestine abortions that could put their lives and health in danger;

(c) Strengthen the provision of sexual and reproductive health services, including: (i) post-abortion healthcare in all circumstances, on a confidential basis; (ii) the prompt and free distribution of the emergency contraceptive pill in all regions of the country; and (iii) access to appropriate, quality and affordable contraceptive methods;

(d) Continue to develop and implement comprehensive sexual and reproductive health education programmes for men, women and children throughout the country, with a view inter alia to preventing unwanted pregnancies;

(e) Develop programmes providing comprehensive assistance to women and girls who, owing to the State party's laws, are forced to carry their pregnancies to term, with a particular focus on: (i) those who have suffered temporary or permanent damage to their physical and mental health or, in the event of their death, their relatives; (ii) those who have large families; (iii) those who are forced to abandon their studies or jobs; and (iv) those who live in poverty or belong to other vulnerable groups.

Right to life

19. The Committee takes note of the numerous operations to combat crime, in addition to the reduction in the homicide rate. However, the Committee remains concerned about: (a) the fact that this rate continues to be extremely high; (b) the challenging context of endemic violence, which includes extrajudicial killings and enforced disappearances; (c) the high level of impunity; and (d) the lack of control over the use and possession of firearms. The Committee continues to be concerned about the militarization of public security, given that it entails a high risk of human rights violations (art. 6).

20. Taking into account the Committee's previous recommendations (paras. 19 and 21), the State party should:

(a) Promptly, effectively and thoroughly investigate all cases of homicide, extrajudicial killing and enforced disappearance and ensure that those responsible are prosecuted and, if convicted, punished with commensurate penalties, and that the victims and their families receive full reparation;

(b) Increase the financial, human and technical resources made available to, among others, the National Police, the Public Prosecution Service, the judiciary and legal assistance services, the training of their staff so that they can carry out their work effectively and the protection of victims, their families and witnesses;

(c) Step up efforts to exercise more effective civilian control over the possession and use of firearms, including by: (i) strengthening the legal framework regulating the possession and use of weapons; (ii) reducing the number and types of weapons authorized; and (iii) strengthening the procedures for granting or renewing weapon licences;

(d) Expedite the process of strengthening the National Police to enable it to take over the law enforcement functions currently performed by the armed forces and facilitate a prompt transition;

(e) Adopt laws and protocols on the use of force by law enforcement officials that are consistent with the provisions of the Covenant and cover the armed forces and the special forces that are made up of both civilians and military personnel.

21. The Committee notes the measures taken by the State party to eliminate gang violence, in addition to the programmes and strategies adopted to prevent children and young people from joining gangs and protect those who refuse to do so. However, it remains concerned that these gangs are recruiting children to carry out criminal activities. The Committee is also concerned about the “radical action plan for combating crime” presented by the National Defence and Security Council of Honduras, which includes 14 measures such as the classification of individuals belonging to gangs and organized criminal groups as terrorists, the use of systematic pretrial detention in cases of organized crime, the collective prosecution of these crimes and the construction of a prison in the Swan Islands.

22. Taking into account the Committee’s previous recommendations (para. 21), the State party should:

(a) Increase and strengthen its efforts to combat the recruitment of children and young people by criminal gangs, including by taking measures to: (i) raise awareness of, prevent and promptly address such recruitment; (ii) strengthen protective environments at the family, school and community levels, in particular for vulnerable groups; (iii) protect and assist children and young people who refuse to join gangs; and (iv) increase the resources earmarked for these measures in order to ensure their effective implementation;

(b) Ensure that any measures adopted to combat organized crime, whether at the legislative, institutional or operational level, including those set out in the document containing the “radical action plan for combating crime”, are fully compatible with the provisions of the Covenant and international human rights standards.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

23. The Committee regrets that the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment, as well as human rights organizations, are reported to have been denied access to prisons on certain occasions. It takes note of the delegation’s statement that the National Committee and human rights organizations have access to prison facilities. The Committee is concerned about reports that the mechanisms for the protection of individuals who file complaints of torture and other cruel, inhuman or degrading treatment or punishment are ineffective and about the lack of investigations, penalties and information on any reparation measures that may have been granted (arts. 6, 7 and 10).

24. The State party should:

(a) Ensure that the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment, as well as human rights organizations, are given access to all places of deprivation of liberty;

(b) Establish effective mechanisms for the protection of victims of torture and ill-treatment, ensuring that they face no reprisals and receive justice and full reparation;

(c) Include content on the Code of Conduct for Law Enforcement Officials and the Principles on Effective Interviewing for Investigations and Information-Gathering in education and training courses for police officers and members of the armed forces who may be required to perform police functions;

(d) Make headway in the demilitarization of police and law enforcement functions so that they are once again performed by civilian public security forces as soon as possible.

Treatment of persons deprived of their liberty and conditions of detention

25. The Committee takes note of the steps taken by the State party, such as the increase in the budget of the National Prison Institute, the improvement of infrastructure and the

implementation of rehabilitation, re-education and social reintegration programmes. While there has been a reduction in prison overcrowding, the Committee reiterates its concern about the continued high level of overcrowding, the large number of individuals deprived of their liberty who are being held in pretrial detention and the large number of offences for which pretrial detention is mandatory. The Committee also regrets that, according to the information received, the substandard conditions of detention and the shortage of human and material resources persist, including the failure to ensure separation between accused and convicted prisoners and the lack of adequate medical care and legal aid services (arts. 6, 7, 9, 10, 14 and 26).

26. The State party should ensure that conditions of detention afford prisoners decent living conditions and are consistent with the relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders. The State party should continue to take measures to significantly reduce prison overcrowding, in particular by making wider use of non-custodial measures such as those set out in the United Nations Standard Minimum Rules for Non-custodial Measures, reducing the number of offences for which pretrial detention is mandatory and ensuring that pretrial detention is exceptional, reasonable and necessary in all circumstances and is used for a limited period of time.

27. While the Committee takes note of the State party's efforts in the area of prison security, it is concerned about conditions of insecurity and vulnerability, in particular acts of violence, including violent deaths, among prisoners. It is also concerned about the self-governance exercised by some prisoners who maintain control over the prison population and about the presence of bladed weapons, firearms and explosive devices inside prison facilities.

28. The State party should:

(a) **Intensify its efforts to protect the life and safety of individuals in places of deprivation of liberty and effectively prevent and combat all forms of violence, in full compliance with the provisions of the Covenant;**

(b) **Promptly and thoroughly investigate all incidents of inter-prisoner violence, ensure that the perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and provide the victims with full reparation;**

(c) **Strengthen measures to combat self-governance by some prisoners, including by: (i) creating an adequate system for categorizing individuals deprived of liberty based on their individual risk level; (ii) increasing measures to detect bladed weapons, firearms and explosive devices; and (iii) continuing efforts to fully implement a rehabilitation-based approach in prisons.**

29. The Committee regrets the militarization of the prison system during the reporting period and, while noting that efforts are under way to transfer the management of the prison system to civilian authorities and to train prison officers and officials, regrets that this transfer has not been completed to date. The Committee is also concerned about reports of: (a) excessive use of force by law enforcement officials in actions relating to the oversight of prisons; and (b) shortcomings in criminal investigations into the deaths of individuals in detention facilities, difficulties in filing complaints and the fear of reprisals.

30. The State party should:

(a) **Expedite the process of transferring the management of the prison system to the civilian authorities;**

(b) **Adopt all measures necessary to introduce an oversight mechanism and prevent the excessive use of force by law enforcement officers;**

(c) **Establish accessible and effective complaint mechanisms and ensure that all complaints are investigated, that the perpetrators are prosecuted and, where appropriate, receive proportionate penalties, that victims are provided with full**

reparation and that individuals who file complaints are afforded effective protection against any reprisals;

(d) Ensure that law enforcement officers systematically receive training on the use of force based on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, and ensure that the principles of legality, necessity and proportionality, precaution and non-discrimination are strictly observed in practice.

Prohibition of slavery, forced labour and trafficking in persons

31. The Committee welcomes the implementation of programmes to combat all forms of trafficking in persons and the amendments to the Criminal Code that significantly increase the penalties for trafficking offences. The Committee regrets, however, that the Trafficking in Persons Act does not contain a definition of trafficking that is in line with international standards. It is also concerned about reports that the courts do not award any form of compensation or restitution to victims (arts. 2, 7, 8 and 26).

32. The State party should step up its efforts to combat, prevent, eradicate and punish trafficking in persons. In particular, the State party should:

(a) Revise the definition of trafficking in persons contained in article 219 of the Criminal Code to bring it into line with international standards;

(b) Guarantee that cases of trafficking in persons are promptly and effectively investigated, that the perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and that victims are provided with full reparation;

(c) Continue and strengthen ordinary and specialized training and awareness-raising programmes, in particular for the judiciary and all institutions involved in anti-trafficking measures;

(d) Redouble its efforts to identify victims of trafficking in persons, especially children and adolescents from rural areas and Indigenous and Afro-Honduran peoples, and provide them with adequate protection and assistance, with special emphasis on offering support to and working in coordination with civil society organizations.

Freedom of movement

33. The Committee welcomes the adoption of the Act for the Prevention of Internal Displacement and the Protection and Care of Internally Displaced Persons and appreciates the initiatives adopted to meet the needs of internally displaced persons. The Committee regrets that, according to the information received, the Inter-Institutional Commission for the Protection of Persons Displaced by Violence does not yet have the technical capacity and budget required to effectively carry out its mandate and the national system for responding to forced displacement has not been implemented to date (art. 12).

34. Bearing in mind the Committee's previous recommendations (para. 29), the State party should intensify its efforts to prevent internal displacement and ensure that all victims receive care, assistance and full reparation. In particular, it should:

(a) Develop a public policy for the prevention of forced displacement, as mandated by the Act for the Prevention of Internal Displacement and the Protection and Care of Internally Displaced Persons, and take more measures to protect the individuals most at risk of internal displacement;

(b) Promptly increase the technical capacity and budget of the Inter-Institutional Commission for the Protection of Persons Displaced by Violence so that it can fulfil its mandate;

(c) Adopt the measures required for the implementation of the national system for responding to forced displacement, providing the necessary financial, technical and human resources;

(d) Intensify awareness-raising and protection campaigns to inform the population of the rights and protection mechanisms established under the law on internal displacement.

Access to justice, independence and impartiality of the judiciary and administration of justice

35. The Committee takes note of the measures taken by the State party to ensure the full independence of the judiciary, such as the adoption of the Special Act on the Organization and Activities of the Committee for the Nomination of Candidates for Election to the Supreme Court. Nonetheless, the Committee regrets that, since the 2016 ruling by the Supreme Court declaring the Act on the Judicial Council and the Judicial Service to be unconstitutional, no progress has been made in establishing an independent governance structure for the judiciary to ensure that judicial and administrative functions do not remain centralized in the office of the President of the Supreme Court, in view of the risk that this may pose to the independence of individual judges. The Committee is concerned about reports of attacks, including by organized criminal groups, on the judiciary's independence, reprisals against justice officials involved in combating corruption and the precarious conditions in which enforcement judges and prosecutors work (arts. 2 and 14).

36. The State party should take all measures necessary to safeguard the full autonomy, independence and impartiality of judges and prosecutors and guarantee that they are free to operate without any kind of undue pressure or interference, including from non-State actors. In particular, the State party should:

(a) Protect members of the judiciary, prosecutors and other professionals involved in the administration of justice so that they can perform their duties safely and independently, without fear of threats, intimidation or reprisals;

(b) Expedite the adoption of a law on the Judicial Council that is compliant with the provisions of the Covenant and the Basic Principles on the Independence of the Judiciary and take the steps necessary for the establishment of this Council as an independent, impartial and inclusive body, guaranteeing that judges and prosecutors have a majority say in decisions relating to their professional career;

(c) Ensure that the procedures for the selection, appointment, suspension, transfer, removal and disciplining of judges and prosecutors comply with the provisions of the Covenant, the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors;

(d) Substantially increase the financial, technical and human resources allocated to the administration of justice, with a view to ensuring its effectiveness.

37. The Committee welcomes the progress made in training judges and prosecutors on the rights of Indigenous Peoples. The Committee is concerned that, according to the information received, impunity remains a structural problem; access to justice continues to be a challenge, especially for certain vulnerable groups; judicial proceedings continue to be unduly delayed; judicial decisions are insufficiently reasoned; no comprehensive investigations are carried out; the participation of victims of these violations in criminal proceedings is limited; and the Public Prosecution Service does not seek reparations for victims in proceedings concerning human rights violations.

38. The State party should:

(a) Guarantee effective access to justice, in particular the availability of legal aid, for everyone, including the most vulnerable groups such as women in rural areas, Indigenous Peoples and Afro-Hondurans, and, among other measures, create new courts with adequate resources, especially in rural areas;

(b) Combat impunity and ensure that investigations into human rights violations are prompt, effective, impartial and thorough, that those responsible for such acts are prosecuted and receive penalties commensurate with the gravity of the offence and that victims are provided with full reparation;

(c) **Ensure that judicial proceedings are conducted in accordance with the guarantees established in article 14 of the Covenant and in the Committee's general comment No. 32 (2007), without undue delays, and that judicial decisions are duly reasoned;**

(d) **Reduce delays in the justice system by allocating more resources to it and increasing the availability of judges, prosecutors and public defenders;**

(e) **Adopt the measures necessary to ensure that, in criminal proceedings for human rights violations, the victims can appear as interested parties and the Public Prosecution Service seeks reparations for victims.**

Right to privacy

39. The Committee reiterates its concern regarding the extensive surveillance of private communications under the Special Act on Interception of Private Communications and regrets the lack of specific information on the measures taken to ensure that surveillance activities are compatible with the provisions of the Covenant (art. 17).

40. **In line with its previous recommendations (para. 39), the Committee reiterates that the State party should ensure that its surveillance activities are compatible with the provisions of the Covenant, especially article 17, that any interference with the right to privacy is in line with the principles of legality, necessity and proportionality and that appropriate remedies are available to victims of violations of that right.**

Human rights defenders, freedom of expression and the right of peaceful assembly

41. The Committee takes note of the implementation of the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials and its implementing regulations, in addition to the work of the corresponding national protection system. However, it regrets that, to date, this system has not been provided with enough resources to offer adequate protection measures. The Committee reiterates its concern at the large number of acts of intimidation, violence and murder committed by State agents and private individuals or organizations against human rights defenders, in particular environmental and land activists, journalists, trade unionists, agrarian and peasant activists, members of Indigenous communities, people of African descent and lesbian, gay, bisexual, transgender and intersex persons. The Committee is also concerned about the difficulties faced by victims in gaining access to justice, the lack of effective investigations, the delays in judicial proceedings and the climate of impunity (arts. 19 and 21).

42. **In the light of its previous recommendations (para. 41), the Committee reiterates that the State party should urgently take effective measures to:**

(a) **Guarantee effective protection and assistance for human rights defenders, in particular environmental and land activists, journalists, trade unionists, agrarian and peasant activists, members of Indigenous communities, people of African descent and lesbian, gay, bisexual, transgender and intersex persons, among others, who are subjected to acts of violence and intimidation, including by involving civil society and the individuals concerned in the development and implementation of prevention and protection measures;**

(b) **Promptly and thoroughly investigate all allegations of intimidation, threats and attacks, ensure that the perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and provide the victims with full reparation;**

(c) **Ensure that effective legal remedies are available and that victims can access them without fear of reprisals;**

(d) **Continue to increase the allocation of financial, technical and human resources to strengthen the capacity of State investigation and protection mechanisms, including those under the national protection system.**

43. While the Committee welcomes the decriminalization of defamation, it regrets that libel and slander are still defined in the Criminal Code as "offences against honour" and are

used as grounds for criminalizing human rights defenders and journalists. The Committee is concerned about the stigmatization of human rights defenders and defenders of land rights by government officials and about the criminalization of human rights defenders, activists and journalists through the misuse of certain criminal law provisions against them. In this regard, the Committee is concerned about the amended provisions on the offence of “criminal trespass” and the introduction of concepts such as “occupation of public space” or “preventive evictions”, which have led to the application of criminal law to punish previously lawful conduct, such as the occupation of public space during peaceful protests. The Committee is concerned about Executive Decree No. PCM 023-2022 establishing the Directorate General for Information and the Press of the Government of the Republic, which could represent an obstacle to the full and safe exercise of the right to freedom of opinion and expression.

44. In accordance with articles 19 and 21 of the Covenant and the Committee’s general comments No. 34 (2011) and No. 37 (2020), the State party should:

(a) **Review legislation that may unduly restrict freedom of expression and assembly, in particular the provisions on the offence of criminal trespass contained in the Criminal Code and Executive Decree No. PCM 023-2022 establishing the Directorate General for Information and the Press of the Government of the Republic, and ensure that both texts are in conformity with the provisions of the Covenant;**

(b) **Consider decriminalizing slander and libel so that claims of violations of the right to honour give rise only to civil redress and, at a minimum, restrict the application of criminal law to only the most serious cases;**

(c) **Establish a safe and supportive environment for human rights defenders, activists and journalists so that they can carry out their activities without fear of reprisals, stigmatization or criminalization.**

Rights of ethnic, religious and linguistic minorities

45. While the Committee takes note of the implementation of the project to enhance access to justice for Indigenous and Afro-Honduran peoples, it is concerned about the acts of intimidation and violence faced by these communities, including murders committed with impunity, and about their criminalization, forced displacement and lack of access to justice. It is also concerned to note the discrimination to which they are subjected, which worsens inequality. The Committee is further concerned about information regarding evictions of Indigenous and Afro-Honduran peoples, in some cases with excessive use of force, and the application of Decree No. 93-2021, which permits preventive evictions without judicial oversight. While the Committee takes note of the creation of the High-level Intersectoral Commission for Compliance with International Judgments of the Inter-American Court of Human Rights, it regrets the lack of substantial progress in ensuring full compliance with the Court’s judgments concerning groups such as the Garifuna communities of Punta Piedra and Triunfo de la Cruz, the Tolupan tribe of the community of San Francisco de Locomapa and the Miskito divers (arts. 1 and 27).

46. The State party should redouble its efforts to ensure the protection and recognition, both in law and in practice, of the rights of Indigenous and Afro-Honduran peoples, particularly with respect to land, territory and natural resources. It should also:

(a) **Facilitate access to justice for Indigenous and Afro-Honduran peoples, including in their own language or through interpreters;**

(b) **Investigate all cases of intimidation, violence and discrimination against these groups and ensure that the perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the acts committed, and that the victims receive full reparation;**

(c) **Ensure prompt and full compliance with all judgments of the Inter-American Court of Human Rights.**

47. The Committee regrets the lack of progress towards adopting the bill on free, prior and informed consultation, for which the preparatory work began in 2015, and reiterates its

concern about the lack of an effective process for free, prior and informed consultation and consent during the drafting of the bill. It is also concerned about certain aspects of the bill that are not in conformity with international standards. The Committee is concerned that the effective participation of Indigenous and Afro-Honduran peoples in decision-making on matters that directly affect them is not guaranteed and that consultation processes do not meet international human rights standards.

48. **The State party should expedite measures geared towards the adoption of the bill on free, prior and informed consultation and establish an effective consultation mechanism, ensuring that both the law and the mechanism are compatible with the principles set out in the Covenant, the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169), the United Nations Declaration on the Rights of Indigenous Peoples and other international standards. In addition, the State party should guarantee the right of free, prior and informed consent for all Indigenous and Afro-Honduran peoples in respect of all measures that affect them, in particular decisions regarding development projects.**

D. Dissemination and follow-up

49. **The State party should widely disseminate the Covenant, the two Optional Protocols, its third periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into other languages commonly used in the State party.**

50. **In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 23 July 2027, information on the implementation of the recommendations made by the Committee in paragraphs 20 (right to life), 42 (human rights defenders, freedom of expression and the right of peaceful assembly) and 46 (rights of ethnic, religious and linguistic minorities) above.**

51. **In line with the Committee's predictable review cycle, the State party will receive the Committee's list of issues prior to reporting in 2030 and will be expected to submit its replies, which will constitute its fourth periodic report, within one year. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.**
