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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

## Situation of human rights in Honduras\*, \*\*

### Report of the United Nations High Commissioner for Human Rights

#### *Summary*

The present report describes the human rights situation in Honduras from 1 January to 31 December 2023. The report highlights key areas of progress and challenges in the promotion and protection of human rights and concludes with recommendations to the State.

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\* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

\*\* The summary of the report is being circulated in all official languages. The report itself is contained in the annex and is being circulated in the language of submission and in English only.



## Annex

# Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Honduras

## I. Introduction

1. The present report is submitted pursuant to article V (4) of the agreement signed by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Government of Honduras on 4 May 2015. The report and the analysis contained herein are based on information gathered by OHCHR in the country and information provided by State authorities, civil society and victims.

2. OHCHR continued to monitor the human rights situation on site in Honduras and to provide technical assistance for the promotion and protection of human rights. The Office continued to focus on the thematic priorities of previous years, which include strengthening the rule of law, particularly access to justice; promoting civic space and citizen participation; promoting economic, social and cultural rights; ensuring the right to a clean, healthy and sustainable environment; promoting equality; ensuring non-discrimination of persons in vulnerable situations; and preventing, and providing early warnings of, social conflicts and human rights violations.

3. OHCHR conducted 214 field missions to monitor the human rights situation, including 25 visits to detention centres. It developed 184 technical assistance and institution-building processes aimed at State institutions, organized 53 workshops and training sessions and monitored 44 sets of judicial proceedings. It also provided technical support to more than 140 civil society organizations and implemented 13 communication campaigns to promote human rights.

## II. Context

4. OHCHR recognizes the State's efforts to ensure progress in the promotion and protection of human rights, in particular to reduce levels of inequality. It also recognizes the openness and willingness of Honduras, as expressed in the various requests for technical assistance made to the Office, to support structural reform in the area of human rights, as well as the initiative that led to the adoption of Human Rights Council resolution 54/30.

5. The situation described in the present report is taking place against a backdrop of structural problems that underlie human rights violations and require short, medium and long-term measures to resolve them. According to official figures, the poverty level fell from 73.6 per cent in 2021 to 64.1 per cent in 2023, while the extreme poverty level fell from 53.7 per cent in 2021 to 41.5 per cent in 2023.<sup>1</sup> The inequality level also fell significantly: the Gini coefficient decreased from 0.61 in 2021 to 0.51 in 2023.<sup>2</sup> However, the enjoyment of socioeconomic rights continues to be affected by inequality, poverty and the lack of equitable access to land and natural resources, particularly for Indigenous Peoples, Afro-Hondurans and campesinos, which prevents significant progress from being made in consolidating an equitable and sustainable development model.

6. The Office also noted that some companies have failed to comply with their obligation to respect human rights, particularly in connection with the development and implementation of extractive projects, adversely affecting people and the environment (see paras. 47–49).<sup>3</sup>

<sup>1</sup> See <https://ine.gob.hn/v4/2023/12/05/el-instituto-nacional-de-estadistica-ine-socializa-logros-significativos-en-la-reduccion-de-la-pobreza-en-honduras/>.

<sup>2</sup> See <https://ine.gob.hn/v4/wp-content/uploads/2024/03/RESUMEN-EJECUTIVO-junio-2023.pdf>.

<sup>3</sup> See A/HRC/52/24, paras. 15, 26, 28 and 29.

7. The failure to achieve consensus in the National Congress prevented the adoption of laws and delayed the election of certain authorities, including the Attorney General and the Deputy Attorney General.

8. Violence and insecurity continued to affect the country. According to official sources, the homicide rate fell by about 17 per cent compared to the previous year, dropping from 38.2 in 2022 to 31.14 per 100,000 inhabitants in 2023, with the majority of homicides (74.8 per cent) being caused by firearms. However, 380 violent deaths of women were recorded, representing an increase of 24.2 per cent in comparison with 2022.<sup>4</sup>

9. The state of emergency, which had initially been declared on 6 December 2022, was renewed eight times in 2023<sup>5</sup> and was extended to the country's 18 departments. Under the state of emergency, six rights<sup>6</sup> are suspended, including the rights to personal liberty, freedom of association, freedom of assembly and freedom of movement. The security and defence forces are also granted the power to carry out arrests and searches without a warrant.

10. OHCHR recorded a considerable increase in attacks against human rights defenders, particularly those defending land, territory and the environment, and journalists, without any effective measures being taken by the State to respond to the situation of risk that they face (see paras. 62–69).

11. More than half a million persons in situations of mobility passed through Honduras, with the largest number of migrants to date entering the country in 2023. This situation has overwhelmed the State's and humanitarian organizations' capacity to respond.

### III. Rule of law and accountability

#### A. Judicial institutions

12. In February, the National Congress elected 15 new judges, including 8 women, to the Supreme Court of Justice. These judges include the President of the Court and one Garifuna judge, thereby ensuring that the principle of gender equity and plurality<sup>7</sup> was respected. The adoption of a bill on the Council of the Judiciary and Judicial Service, which would establish the separation of the administrative and judicial functions, is still pending.

13. Given that the National Congress failed to reach a consensus on the appointment of the Attorney General and the Deputy Attorney General in special sessions, the Standing Commission,<sup>8</sup> which is mostly made up of deputies representing the governing party, elected the Attorney General and the Deputy Attorney General on an interim basis<sup>9</sup> on 1 November. Both were on the list of candidates proposed by the Nominations Committee, which was submitted to the National Congress.

#### B. Access to justice and effective judicial protection

14. High rates of impunity resulting from a lack of effective investigations, unjustified procedural delays, limited opportunities for victims to participate in criminal proceedings, and lack of adequate protection for victims, family members and witnesses continue to constitute challenges that hinder access to justice.<sup>10</sup>

15. In most of the cases of alleged human rights violations involving the security forces and armed forces that the Office has monitored, the investigation and prosecution have not

<sup>4</sup> See <https://www.sepol.hn/sepol-estadisticas-honduras.php?id=158>.

<sup>5</sup> Executive Decree No. PCM 46-2023, December 2023.

<sup>6</sup> A/HRC/52/24, para. 10.

<sup>7</sup> *Ibid.*, para. 32.

<sup>8</sup> This body is formed between 31 October and 25 January every year, when the National Congress is in recess.

<sup>9</sup> Decision No. 001-2023-CP/CN.

<sup>10</sup> A/HRC/52/24, paras. 36 and 38.

led to the identification of the perpetrators or to the establishment of command responsibility.<sup>11</sup>

16. The prosecutors' strike that began in March and lasted for 79 days resulted in the closure of many offices, significantly reducing the level of service provided to the public and hindering the conduct of investigations and other functions of the Public Prosecution Service.<sup>12</sup>

17. OHCHR documented cases relating to conflicts over land access and ownership in which the investigation conducted by the Public Prosecution Service did not meet due diligence standards. One of these cases involved the killing of Kevin Nazael Meza Ordóñez, a member of the Empresa Asociativa Campesina de Isleta in Tocoa, allegedly by agents of the security forces. OHCHR noted that there were serious delays and a lack of thoroughness in securing the crime scene, removing the body and performing the autopsy. In addition, the Public Prosecution Service has filed an application for proceedings to be brought against several members of the organization, who are accused of aggravated unauthorized occupation following an eviction.<sup>13</sup>

18. In two sets of judicial proceedings relating to the deaths of Keyla Martínez in 2021<sup>14</sup> and Marcos Pineda (a young Lenca man who had been a member of the Civic Council of Popular and Indigenous Organizations of Honduras) in 2022, allegedly caused by members of the security forces, the trial courts decided to reduce the sentence or acquit the defendant. Both decisions were issued without any analysis of the lawfulness of the defendants' use of force under international human rights law.

19. No progress has been made in the investigations into the human rights violations committed in the 1980s or those committed in connection with the coup d'état carried out in 2009 or the post-election crisis in 2017, with the perpetrators remaining unpunished.<sup>15</sup> In August, the Committee of the Families of Detained and Disappeared Persons in Honduras presented a legislative proposal for a law on victims of human rights violations committed during the implementation of the national security doctrine between 1980 and 1993, drafted with the technical assistance of OHCHR. The legislative proposal concerns the rights to truth, memory, justice, reparation and guarantees of non-repetition.

### C. Security and human rights

20. The state of emergency introduced on 6 December 2022 to combat extortion and related offences has been extended eight times and expanded to cover the entire country.<sup>16</sup> This measure grants powers to the National Police to carry out arrests and searches without a warrant in cooperation with the Public Order Unit of the Military Police, which could give rise to risks of human rights violations, including violations of the right to due process.<sup>17</sup> The prolonged duration of the state of emergency, without any justification being given for its necessity, proportionality or appropriateness,<sup>18</sup> and without any adequate legal reviews, is a matter of concern. On at least three occasions, executive decrees were implemented that had not been ratified by Congress.

21. OHCHR has received information about human rights violations allegedly committed in connection with the state of emergency, mostly by the Police Directorate for Combating Gangs and Organized Crime and the Public Order Unit of the Military Police. These violations include seven cases that could constitute enforced disappearances (six men and

<sup>11</sup> Ibid., para. 48.

<sup>12</sup> See <https://conadeh.hn/wp-content/uploads/2024/02/Alerta-Temprana-No.-001-2023-MP-1.pdf>.

<sup>13</sup> Court of First Instance with National Jurisdiction, case file No. 51-2023.

<sup>14</sup> A/HRC/49/21, para. 26.

<sup>15</sup> A/HRC/52/24, para. 37.

<sup>16</sup> Executive Decree No. PCM 46-2023, December 2023.

<sup>17</sup> Human Rights Committee, general comment No. 29 (2001), paras. 11–16.

<sup>18</sup> See <https://oacnudh.hn/6-de-diciembre-de-2023-a-un-ano-del-estado-de-excepcion-en-honduras-oacnudh-llama-al-estado-a-reconsiderar-el-uso-de-medidas-excepcionales-y-a-abordar-la-inseguridad-de-manera-integral-y-con-enfasi/>.

one transgender woman), five extrajudicial executions (five men), four cases of torture and other cruel, inhuman and degrading treatment (four men) and one case of sexual violence (one woman), in addition to allegations of unlawful arrests, excessive use of force, abuses committed during house searches conducted without a warrant and evidence being planted, particularly in the departments of Cortés, Yoro and Francisco Morazán.

22. OHCHR has also received allegations about reprisals taken against complainants by the same security forces and the failure to implement protective measures in searches for their relatives. One case of enforced disappearance committed during the state of emergency involved a 20-year old man who was allegedly disappeared by the Police Directorate for Combating Gangs and Organized Crime on 7 March in San Pedro Sula. The family members filed a complaint with the Public Prosecution Service and were allegedly subjected to threats. On 9 June, his father was murdered in his home. On 19 July, his brother was arrested by the National Police and accused of participating in a massacre that allegedly took place on the day he was at his father's wake.

23. According to official sources, under the state of emergency, the National Police made around 24,563 arrests (including of 1,581 women and 322 minors aged 13 years and over) and carried out more than 16,988 searches.<sup>19</sup>

24. Furthermore, the Public Order Unit of the Military Police made 1,333 arrests, including of 74 minors.<sup>20</sup> The lack of a single registry of detained persons makes it difficult to monitor the lawfulness of arrests.

25. During the reporting period, no significant steps were taken towards the adoption of a comprehensive security policy with a human rights approach that focuses on prevention and investigation and addresses the structural causes of violence and insecurity.<sup>21</sup>

#### **D. Prison system and persons deprived of their liberty**

26. In 2023, there were frequent incidents of violence and insecurity as well as structural problems in the prison system such as overcrowding, inadequate infrastructure, inmate self-rule and corruption. Prison policy prioritizes a punitive approach, to the detriment of social reintegration. In this regard, persons deprived of their liberty face various obstacles to the exercise of their rights. OHCHR recorded at least 56 deaths of persons deprived of their liberty.

27. The prison system houses an average of 19,141 adults (17,982 men and 1,159 women) in the country's 25 prisons, although it has the capacity to house only 14,780 people. The overcrowding rate has fallen by 6 per cent compared to 2022, although it remains high at 28.09 per cent. A total of 45.44 per cent of the prison population is in pretrial detention<sup>22</sup> owing to the excessive use of this measure and the delays in judicial proceedings.

28. Between January and June, six documented confrontations involving the use of firearms and explosives in maximum security prisons took place, leaving 4 male prisoners dead, 1 missing and at least 42 wounded. Following these incidents, the Government established the National Prison System Intervention Commission, composed of civilian authorities, to gradually reform and modernize the prison system. An intervention plan for tackling crime<sup>23</sup> was adopted that included important measures such as classifying persons deprived of their liberty and purging prison officers.

29. On 20 June, 46 women in the National Women's Prison for Social Adaptation were killed by firearms, bladed weapons and a fire started by another group of inmates. This incident led to the ratification of the state of emergency in the prison system, under Executive Decree No. 28/2023, with powers being delegated to the Public Order Unit of the Military Police as the intervention commission for the prison system for a period of one year.

<sup>19</sup> Ministry of Security, official letter No. 3113-2023, 4 December 2023.

<sup>20</sup> D.S.E. official letter No. 2755-12-2023.

<sup>21</sup> A/HRC/52/24, para. 10.

<sup>22</sup> National Prison Institute, official letter No. DN-INP-381-2023, 15 December 2023.

<sup>23</sup> See <https://spe.gob.hn/posts/58>.

30. The Public Order Unit of the Military Police began by conducting intensive search operations to look for weapons and illicit objects in the four maximum security prisons. It then continued its operations in the medium and minimum security facilities in June and July. OHCHR interviewed more than 500 persons deprived of their liberty during 25 visits to nine prisons and found that excessive force was used to carry out these operations, including against persons who offered no resistance to the procedure. People were reportedly exposed to the sun for long periods and were beaten. Several people were injured and one prisoner allegedly died of heart failure in Danlí Prison (El Paraíso). The prisoners were denied access to food and water for more than 24 hours and were also denied immediate access to appropriate medical care. Some people were threatened by the Public Order Unit of the Military Police.

31. For at least one month, the Public Order Unit of the Military Police restricted access to prisons for human rights agencies such as the Office of the National Commissioner for Human Rights, the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment (the national preventive mechanism) and justice officials. The Office has recorded two brawls since the start of the military police operations.

32. The National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment received 197 complaints while the judiciary reportedly received 235 complaints against the Public Order Unit of the Military Police relating to the physical and psychological integrity and access to health of persons deprived of their liberty. Since June, the Committee and the Office of the National Commissioner for Human Rights have referred 219 requests for forensic examinations to the Forensic Medicine Directorate of the Public Prosecution Service in connection with possible acts of torture or ill-treatment. Only 59 of these requests have been dealt with owing to the restrictions imposed on entering and exiting prisons.<sup>24</sup>

## **E. Corruption and human rights**

33. In October, the Specialized Prosecution Unit for Combating Corruption Networks of the Public Prosecution Service filed charges against former presidents Porfirio Lobo Sosa and Juan Orlando Hernández in the case known as Pandora II. The application by the public prosecutor, which applies to six other former officials, was filed with the Supreme Court of Justice because former President Hernández is still a member of the Central American Parliament<sup>25</sup> and therefore has immunity.

34. The Office welcomes the repeal by Congress of Decrees No. 116-2019 and No. 57-2020 and the partial amendment of Decree No. 93-2021, which formed part of the so-called Pact of Impunity. However, it is essential to adopt the bill on effective collaboration and to undertake other necessary legal reforms in order to strengthen the State's capacity to effectively fight corruption. It is also essential to allocate sufficient resources to the agencies responsible for investigating cases of corruption and initiating criminal proceedings, such as the Specialized Prosecution Unit for Combating Corruption Networks.

35. The United Nations group of experts<sup>26</sup> paid four visits to the country to provide technical assistance to the State in connection with the future establishment of an international commission to combat corruption and impunity in Honduras. In December, the General Assembly requested the Secretary-General to support the Government's initiative in its fight against corruption and impunity.<sup>27</sup>

<sup>24</sup> Information received from the Office of the National Commissioner for Human Rights and the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment in December 2023.

<sup>25</sup> See <https://www.mp.hn/publicaciones/pandora-ii-uferco-acusa-a-expresidentes-juan-orlando-hernandez-y-porfirio-lobo-sosa/>.

<sup>26</sup> See <https://www.un.org/sg/en/content/sg/note-correspondents/2023-07-07/note-correspondents-%E2%80%93-the-deployment-of-group-of-experts-honduras-scroll-down-for-spanish-version>.

<sup>27</sup> A/78/L.33.



## IV. Development and economic, social and cultural rights

36. The gross domestic product of Honduras grew by approximately 3.4 per cent in 2023, exceeding the average for the region.<sup>28</sup> The economy has proved to be resilient in the face of internal and external shocks<sup>29</sup> and public investment<sup>30</sup> and investment in agricultural production have increased.

37. In 2023, external debt service payments constituted 21 per cent of the total budget, making this the country's largest budget item, exceeding the 16 per cent budgeted for the Ministry of Education and the 11 per cent budgeted for the Ministry of Health.<sup>31</sup> The high level of indebtedness, which amounted to 47.1 per cent of the gross domestic product in 2023,<sup>32</sup> and external debt service payments are among the factors that prevent the State from allocating a higher percentage of the budget to policies to reduce inequality and ensure the full realization and enjoyment of human rights.<sup>33</sup>

38. The Office reiterates that the framework regulating the employment and economic development zones, and the implementation thereof, could have a negative effect on: (a) the right to consultation and to free, prior and informed consent, given that Indigenous and Afro-Honduran Peoples live in the zones; (b) protection from expropriation in relation to the right to property; (c) access to health, education and social security, the privatization of which would exclude persons who cannot afford the cost; and (d) the right to information of people living in the affected communities, given the opaque nature of the negotiations and establishment of the zones.<sup>34</sup> The provisions repealing the regulatory framework relating to the zones, adopted in 2022, have not fully entered into legal force as the repeal of the respective constitutional reform has not yet been ratified.

39. OHCHR recognizes the progress made by the State in developing and implementing public policies that promote equitable and sustainable development, in which human rights and environmental protection play a central role, as well as its efforts to propose amendments to the legal framework in order to establish a progressive tax system that promotes a fairer distribution of resources.

### A. Access to economic, social and cultural rights

40. In 2023, there were shortages of medicines and surgical supplies in the health system and interruptions in the services provided by health centres and public hospitals, which mainly affected people on low incomes.

41. The impact of adverse weather events in previous years continues to make it difficult to ensure the availability of food in sufficient quantity and quality to meet the dietary needs of the population. The drought in the dry corridor has been aggravated by the effects of El Niño. Since April, the levels of rainfall recorded in Central America have been the lowest in 43 years, resulting in crop failures and reduced crop yields,<sup>35</sup> contributing to migration and the displacement of affected communities.<sup>36</sup>

42. The *amparo* ruling issued by San Pedro Sula Administrative Court of First Instance, demanding the effective guarantee of the rights to food and health of the Tolupán Indigenous

<sup>28</sup> See <https://repositorio.cepal.org>.

<sup>29</sup> See <https://www.imf.org/es/News/Articles/2023/09/21/pr23321-honduras-imf-executive-board-approve-under-eff-and-ecf-for-honduras>.

<sup>30</sup> Ministry of Finance, *Informe General de la Inversión Pública* (General Report on Public Investment), third quarter of 2023.

<sup>31</sup> Legislative Decree No. 157-2022.

<sup>32</sup> Ministry of Finance, *Deuda Pública de la Administración Central Honduras* (Public Debt of the Central Government of Honduras), third quarter of 2023.

<sup>33</sup> A/HRC/26/28, para. 25.

<sup>34</sup> A/HRC/49/21, para. 60.

<sup>35</sup> See <https://www.unocha.org/publications/report/world/efectos-y-consecuencias-humanitarias-del-fenomeno-de-el-nino-en-america-latina-y-el-caribe-20232024>.

<sup>36</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/statements/eom-statement-honduras-sr-climate-2023-09-27-en.pdf>.

community of San Francisco de Locomapa, has not yet been implemented by the municipal corporation.<sup>37</sup>

43. The Office received and followed up on reports concerning 240 women workers in the maquila sector who claim to be suffering from illnesses caused by their working conditions. A number of these women have been dismissed.

## **B. Access to land, natural resources and the environment**

44. The Government has begun the process of reforming the environmental licensing system in accordance with a human rights-based approach, with technical assistance provided by the Office. OHCHR welcomes the Government's willingness to prioritize the protection of the environment and natural resources.

45. During his country visit, the Special Rapporteur on the promotion and protection of human rights in the context of climate change stated that Honduras is among the countries that are most vulnerable to, and affected by, climate change, mainly owing to the floods, hurricanes and droughts that have an adverse effect on human rights and economic and social development.<sup>38</sup>

46. OHCHR noted that social, environmental and agrarian conflicts relating to land and territory continued to have an adverse effect on human rights. These conflicts stem from historical problems such as the inequitable distribution of land and resources, the insecurity of land tenure, the weakness of institutions responsible for decisions concerning property rights, overlaps between private titles and ancestral titles, the failure to consult the Indigenous and Afro-Honduran Peoples with a view to obtaining their free, prior and informed consent, and irregularities in the authorization and concession of business projects, mainly relating to extractive activities.

47. The Office noted, including in its monitoring of specific cases relating to Azacualpa, Guapinol, Jilamito, Locomapa and Pajuiles, that some activities, mainly those linked to extractive projects, had a negative impact on the enjoyment of human rights and the right to a clean, healthy and sustainable environment, in some cases constituting potential human rights abuses by companies. It also noted that the State faces challenges in regulating and monitoring these business activities.

48. On 5 December, the Supreme Court of Justice, within the framework of a remedy to protect the right to water and health, ordered the stoppage of work on the hydroelectric project on the Mezapa River in the community of Pajuiles until the environmental mitigation measures ordered by the Ministry of Natural Resources and the Environment<sup>39</sup> had been implemented.

49. In Montaña de Botaderos Carlos Escaleras Mejía National Park, OHCHR was concerned to note that a mining project was continuing to cause high levels of social conflict and have an adverse impact on human rights and the environment, including in connection with the use of water.<sup>40</sup> In addition, the inhabitants of the communities that are peacefully opposing the extractive business project face security risks and criminal prosecution.

50. The monitoring undertaken by the Office indicated that high levels of social conflict persist in the Tolupán Indigenous community of San Francisco de Locomapa owing to the threats and intimidation directed at members of the community by third parties originating from outside it.<sup>41</sup> This is taking place despite the fact that the Public Prosecution Service filed

<sup>37</sup> A/HRC/52/24, para. 15.

<sup>38</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/statements/eom-statement-honduras-sr-climate-2023-09-27-en.pdf>.

<sup>39</sup> Supreme Court of Justice, judgment SCO-0816–2018, 5 December 2023.

<sup>40</sup> A/HRC/52/24, para. 27.

<sup>41</sup> See [https://www.oas.org/en/iachr/decisions/mc/2023/res\\_83-23\\_mc\\_416-13\\_hn\\_en.pdf](https://www.oas.org/en/iachr/decisions/mc/2023/res_83-23_mc_416-13_hn_en.pdf).



criminal charges against the manager of a private company for unlawfully exploiting natural resources in a manner that harmed the Indigenous community.<sup>42</sup>

51. The Constitutional Chamber of the Supreme Court of Justice issued an *amparo* ruling in the criminal proceedings against members of the Lenca Indigenous community of Tierras del Padre, recognizing their right to collective ownership and establishing that their rights to a defence and due process had been violated. The Chamber ordered that the dispute over ownership be resolved through civil proceedings.<sup>43</sup>

52. In 2023, the Office documented at least 37 evictions, mostly targeted at campesino businesses and agricultural cooperatives. The highest number of evictions took place in the departments of Colón (eight), Atlántida (eight) and Yoro (six). In some cases, acts of violence were documented, including a case in which three members of the cooperatives were injured by firearms. The National Police was responsible for one of these cases. In addition, criminal proceedings have been brought against evicted persons. Many of these evictions were ordered under the provision establishing the offence of “preventive eviction” in Decree No. 93-2021. The adoption of eviction orders against campesino communities and Indigenous and Afro-Honduran Peoples,<sup>44</sup> in violation of international human rights obligations and standards,<sup>45</sup> is a matter of concern.

53. In one case documented by OHCHR, the National Police, acting without a court order, evicted 52 members of the Lenca Indigenous Council of Río Bonito from a piece of land that the community had been using to grow crops and had inhabited for more than 40 years. Several members of the community were accused of the offence of unauthorized occupation. Acts of violence were recorded in connection with two evictions targeted at the Empresa Asociativa Campesina de Isletas, in Bajo Aguán, resulting in the injury of one person and the death of another injured person. Nine members of the campesino company were accused of the offence of unauthorized occupation. In November, 41 families belonging to the Empresa Campesina Agua Blanca Sur in El Progreso (Yoro) were evicted in adverse weather conditions and without a relocation plan, affecting and even destroying their homes and livelihoods, leaving many of the families homeless.

54. In June, the Commission for Agrarian Security and Access to Land was established to address land-related conflicts.<sup>46</sup> It is a matter of concern that this Commission was established within the National Defence and Security Council, with a focus on security and a mandate to urgently execute any existing eviction orders and to enforce the laws applicable to the offences of unauthorized occupation in permanent flagrancy and forced displacement.<sup>47</sup>

55. The National Inter-Institutional Committee on the Prevention and Management of Social Conflicts developed a protocol for the prevention of conflicts relating to land, territory and the environment, with technical assistance from OHCHR. The Committee facilitated a coordinated response by the relevant institutions in the cases relating to Tierras del Padre, Crucitas del Picacho and other cases in the department of La Paz.

56. The Office welcomes the efforts made to progress towards the establishment of the tripartite commission provided for in the agreements entered into by the Government and the campesino groups of Bajo Aguán on 22 February 2022. The launch of the commission has been delayed by the lack of resources.

<sup>42</sup> See <https://www.mp.hn/publicaciones/fiscalia-de-las-etnias-presenta-requerimiento-fiscal-contr-un-extranjero-por-lito-en-perjuicio-de-los-tolupanes/>.

<sup>43</sup> Supreme Court of Justice, ruling AP-136, 406, 407, 408 and 277–2019, 9 June 2023.

<sup>44</sup> See, inter alia, Court of First Instance with National Jurisdiction, case file no. 51-2023, 16 October 2023; and El Progreso Court of First Instance, Yoro, case file No. 257-2023, 1 November 2023.

<sup>45</sup> E/1992/23(SUPP), annex IV.

<sup>46</sup> See [gobiernosolidario.sgjd.gob.hn/6336/presidenta-xiomara-castro-anuncia-la-creacion-de-una-comision-seguridad-agraria-en-honduras/](https://gobiernosolidario.sgjd.gob.hn/6336/presidenta-xiomara-castro-anuncia-la-creacion-de-una-comision-seguridad-agraria-en-honduras/).

<sup>47</sup> Agreement No. CNDS-002/2023.

## V. Civic space and citizen participation

57. Both structural problems and institutional practices that unduly restrict civic space persist, which has negative repercussions on the exercise of the defence of human rights and the rights to freedom of expression, access to information and participation in public affairs.

58. The Office has received numerous reports from civil society organizations and media outlets that were unable to access information in the public interest because the competent authority failed to respond to their requests in an adequate or timely manner or turned them down without sufficient justification, stating that the information requested was “restricted” or “confidential”.

59. The Office noted that the number of attacks<sup>48</sup> against journalists and human rights defenders and organizations, including murders, increased significantly in comparison with the previous two years. In view of the increased risk faced by human rights defenders, the failure of the national protection system to respond effectively is of concern, especially its failure to implement suitable protection measures in a timely and effective manner.

60. OHCHR recorded at least 363 attacks against 453 victims, including both individuals and organizations. Of these victims, 308 are engaged in the defence of human rights and 145 in journalism. The Office contacted 395 (87.2 per cent) of these victims in order to identify their specific protection needs and to define joint actions within its mandate.

61. Of the victims, 54.1 per cent are involved in the defence of land, territory and the environment; 15.5 per cent in journalism; 13.5 per cent in defending the rights of lesbian, gay, bisexual, transgender and intersex persons; and the rest in other types of advocacy. Of the total number of victims, 200 (44.2 per cent) are male and 127 (30.2 per cent) are female, including 10 transgender women. A total of 31.5 per cent of the human rights defenders and organizations that were subjected to attacks are Indigenous or Afro-Honduran.

62. OHCHR documented the murders of at least 15 human rights defenders and 2 journalists. A total of 15 of the victims were men and 2 were women. Of these victims, 13 were involved in the defence of land, territory and the environment; 2 in defending the rights of lesbian, gay, bisexual, transgender and intersex persons; and 2 in journalism. The victims included two transgender women. OHCHR also recorded the disappearance of a transgender woman who had defended the rights of lesbian, gay, bisexual, transgender and intersex persons. In 2023, the Office recorded the second highest number of murders of defenders since it began operating in the country in 2015. Only in 2019 was a higher number recorded. In most cases, the perpetrators remain unpunished, which poses a significant obstacle to the defence of human rights.

63. Among the attacks most frequently recorded by OHCHR are 81 cases of threats and 70 acts of intimidation or harassment against human rights defenders and journalists. The number of cases recorded in the departments of Francisco Morazán (129 cases), Colón (58 cases) and Cortés (50 cases) is particularly high.

64. A total of 108 of the 245 defenders of land and territory who were victims of attacks were Indigenous persons and/or Afro-Hondurans. A total of 66.5 per cent of the cases occurred in the departments of Colón, Francisco Morazán and Yoro. In 2023, OHCHR recorded 99 victims of attacks who were Indigenous or Afro-Honduran women engaged in defending human rights. Of these women, 97 per cent are defenders of land, territory or the environment.

65. The Office recorded 145 attacks against persons exercising their freedom of expression, which is a significant overall increase and even exceeds the total of 93 cases recorded in 2021, which was an election year. In particular, the Office notes that 24.8 per cent of the attacks against journalists were against those who covered the defence of the rights of lesbian, gay, bisexual, transgender and intersex persons.

<sup>48</sup> The category of “attacks” used in the monitoring carried out by the Office covers acts such as threats, attempted homicide, theft of information, violation of communications, damage to property, smear campaigns, deprivation of liberty and online attacks.

66. The records held by OHCHR show that at least 63 (20.4 per cent) of the human rights defenders subjected to an attack in 2023 were victims of attacks linked to social conflict in areas where economic projects are being carried out, in the vicinity of Carlos Escaleras Mejía National Park, or attacks related to the agrarian conflict in Bajo Aguán. It is a matter of great concern that at least 7 of the 15 murders of human rights defenders recorded during the year have been in this area.

67. The State, with technical support from OHCHR, made progress in harmonizing legislation with a view to reviewing criminal offences to ensure that they strictly comply with the principle of legality and the requirement of legal predictability, in accordance with international human rights law. This process is being carried out in order to prevent criminal law from being arbitrarily interpreted and used against human rights defenders and journalists. It is troubling to note that criminal provisions relating to offences against honour or other provisions that could be used to unduly restrict the exercise of freedom of expression and encourage self-censorship remain in force.

68. OHCHR would like to reiterate its concern about the misuse of the criminal justice system to bring criminal charges against human rights defenders and journalists who are legitimately defending human rights, especially those who defend land, territory and the environment, oppose extractive projects or provide coverage of these activities.<sup>49</sup>

69. The Office would like to highlight the case brought against the defenders belonging to the Asociación por el Desarrollo de la Península de Zacate Grande, Santos Hernández and Abel Pérez, the latter of whom is also a journalist for the community radio station La Voz de Zacate Grande, and the case brought against the land defender Nolvía Obando, a member of the campesino women's movement Las Galileas, who were accused of the offence of unauthorized occupation and deprived of their liberty for 211 and 149 days, respectively.

70. OHCHR recorded cases in which the security forces arrested defenders who had previously been acquitted or whose cases had been dismissed because the registration and control systems of the National Police are not updated in accordance with the rulings of the judiciary.

71. In September, Tela Trial Court acquitted defenders from the Jilamito community in criminal proceedings initiated against them in 2017 for opposing a hydroelectric project that affected their community's access to water.

72. The National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators continued to face serious challenges in fulfilling its mandate owing to the lack of funding allocated to it from the budget, the failure to implement protection measures, the lack of sufficient suitable staff and technical tools with which to fulfil its functions, and the lack of a sense of joint responsibility among the different State agencies responsible for protecting human rights defenders.<sup>50</sup>

73. At the end of the year, the System was providing protection in a total of 202 cases, 35 of which had been referred to it by the inter-American human rights system. Of these cases, 153 involved human rights defenders, 16 involved communicators, 15 involved journalists and 18 involved justice operators. In 2023, the System received 68 requests for protection, 62 of which were admitted.<sup>51</sup>

74. The National Protection Council, as the System's forum for joint dialogue and decision-making between the State and civil society, met eight times in ordinary sessions in 2023. The System's Directorate General, which is the agency responsible for implementing the protection afforded by the System, also faces significant challenges, including a lack of staff. This situation worsened in 2023, when the number of assigned technical staff fell to the lowest level since 2016.<sup>52</sup>

75. The Office recognizes the efforts made by the institutions comprising the protection mechanism's technical committee, which is the inter-institutional body responsible for

<sup>49</sup> A/HRC/52/24, paras. 68 and 69.

<sup>50</sup> See [https://oacnudh.hn/wp-content/uploads/2022/07/Diagnostico\\_WEB\\_220707.pdf](https://oacnudh.hn/wp-content/uploads/2022/07/Diagnostico_WEB_220707.pdf).

<sup>51</sup> Official letter No. SEDH-DGSP-236-2023, 3 November 2023.

<sup>52</sup> Ibid.

establishing protection plans, to address the existing backlog of sessions and agree on protection plans. However, the measures taken continue to be implemented in an untimely and improper manner. For example, despite the protection measures afforded to Miriam Miranda, a Garífuna defender and the general coordinator of the Fraternal Black Organization of Honduras, she was the victim of an attack at her home<sup>53</sup> in September that the assigned security team reportedly detected at the last minute, indicating that her safety is still at serious risk and that she requires strengthened protection. The technical committee responsible for reviewing her security measures met one month after the attack, with representatives of three of the four member institutions in attendance.

## VI. Equality and non-discrimination

### A. Women's rights

76. The level of violence against women worsened in 2023, with the violent deaths of 380 women being recorded, including the 46 women prisoners killed in June (see para. 30). This represents an increase of approximately 24.2 per cent in relation to 2022.<sup>54</sup> Other observatories on violence against women have noted the same trend.<sup>55</sup> The 911 emergency telephone system had received 78,214 reports of violence against women as of November 2023.

77. A comprehensive approach to gender-based violence requires the expedition of the adoption of comprehensive public policies and the approval of appropriate legal regulations that guarantee the prevention of violence and the protection of women. The special comprehensive bill on combating violence against women, which was submitted to the executive branch in 2022, has not been submitted to Congress. Furthermore, Congress has not adopted the Act on Shelters for Victims of Gender-Based Violence. OHCHR welcomes the measures agreed upon within the framework of the Inter-Institutional Commission for the Monitoring and Implementation of International Human Rights Obligations and urges that they be implemented.

78. In the judicial proceedings relating to the case of Keyla Martínez, in which the perpetrator is a police officer, the Constitutional Chamber of the Supreme Court of Justice decided not to grant a petition for *amparo* filed by the Public Prosecution Service against the change in the classification of the offence from femicide to involuntary manslaughter, for which a lesser sentence is applicable, without incorporating the gender perspective in its analysis and consideration of the case.

79. The information held by OHCHR appears to indicate that cases in which criminal proceedings are brought against women for abortion and parricide mainly involve young women and, in some cases, Indigenous women. OHCHR followed up on two cases against young women defendants in which prejudicial attitudes were identified and the Public Prosecution Service, including the Forensic Medicine Directorate, failed to conduct a comprehensive investigation.

80. With regard to women's sexual and reproductive rights, OHCHR welcomes the signing of Executive Agreement No. 75-2023, which guarantees and promotes access to the emergency contraceptive pill and the free promotion, use, sale and purchase of the pill in Honduras. However, access to the pill has not been guaranteed in public hospitals, including for women victims of sexual violence.

81. In March, the Supreme Court of Justice dismissed actions of unconstitutionality relating to the absolute prohibition of abortion. The Office finds it regrettable that the Government decided to veto the Act on Comprehensive Education for the Prevention of

<sup>53</sup> See <https://oacnudh.hn/20-de-septiembre-de-2023-oacnudh-expresa-preocupacion-por-la-falta-de-revision-del-plan-de-proteccion-de-la-defensora-miriam-miranda>.

<sup>54</sup> See <https://www.sepol.hn/sepol-estadisticas-honduras.php?id=158>.

<sup>55</sup> See <https://iudpas.unah.edu.hn/dmsdocument/15970-infografia-muerte-violenta-de-mujeres-datos-preliminares-enero-2023-ed16>.

Pregnancy in Girls and Adolescents, which promotes access to information on sexual health in schools.<sup>56</sup>

## **B. Rights of lesbian, gay, bisexual, transgender and intersex persons**

82. Various factors, such as gender stereotypes and the lack of an adequate regulatory framework that fully guarantees the rights of lesbian, gay, bisexual, transgender and intersex persons, contribute to the violence and discrimination against them.

83. As the observatory of Red Lésbica Cattrachas reported to OHCHR, 47 cases involving the violent deaths of lesbian, gay, bisexual, transgender and intersex persons (12 lesbian women, 17 gay men and 18 transgender persons) and 1 disappearance were reported in 2023. Only eight of these cases are under criminal investigation.

84. Multiple barriers prevent lesbian, gay, bisexual, transgender and intersex persons<sup>57</sup> from obtaining effective access to justice, including a lack of capacity and of technical and practical tools for the effective criminal investigation of violence against them. More than two years after the judgment of the Inter-American Court of Human Rights in the case of Vicky Hernández, the adoption of a procedure for recognizing gender identity and a protocol for investigating and administering justice in cases of violence against lesbian, gay, transgender, bisexual and intersex persons<sup>58</sup> is still pending.

85. The Organic Act on the National Registry Office and its regulations do not allow for the legal recognition of the gender identity of transgender persons, including in the National Registry.<sup>59</sup>

86. In March, the Constitutional Chamber of the Supreme Court of Justice dismissed an application to review the denial of an action of unconstitutionality filed in 2022 in connection with the ban on same-sex marriage as an application based on the same grounds had previously been submitted, this being the third action of unconstitutionality dismissed in the previous two years.

## **C. Rights of Indigenous and Afro-Honduran Peoples**

87. The persistence of the structural barriers that Indigenous and Afro-Honduran Peoples face results in inequality, discrimination, historical exclusion and violations of their rights,<sup>60</sup> among other problems.

88. The failure to recognize Indigenous and Afro-Honduran Peoples' traditional rights of ownership and possession over their ancestral lands and territories, and the inadequate regulation of business activities, have a serious impact on the exercise and enjoyment of their human rights, resulting in the loss of their culture, ancestral knowledge and livelihoods, among other problems. The Office considers it essential that the authorities, within their areas of responsibility, adopt measures to guarantee these rights, including by addressing the possible impact of extractive and tourism business activities on their lands, territories and natural resources.

89. The authorities have not yet implemented the reparations ordered by the Inter-American Court of Human Rights in 2015 in the cases involving the Garifuna

<sup>56</sup> See <https://honduras.un.org/es/234541-comunicado-sobre-la-ley-de-educaci%C3%B3n-integral-de-prevenci%C3%B3n-al-embarazo-adolescente>.

<sup>57</sup> Inter-American Court of Human Rights, *Vicky Hernández et al. v. Honduras*, judgment of 26 March 2021, para. 152.

<sup>58</sup> *Ibid.*, operative paras. 15 and 16.

<sup>59</sup> *A/HRC/52/24*, para. 85.

<sup>60</sup> *Ibid.*, para. 87.

communities of Punta Piedra and Triunfo de la Cruz to ensure the effective enjoyment of their right to communal ownership and possession of their ancestral territories.<sup>61</sup>

90. In March, the State made a public act of apology in Puerto Lempira, recognizing its international responsibility and the wrongs committed against the victims described in the judgment of 31 August 2021 issued by the Inter-American Court of Human Rights in the case of *The Miskito Divers (Lemoth Morris et al.) v. Honduras*. The implementation of the other measures ordered by the Court in its judgment is still pending.

#### **D. Persons in situations of human mobility**

91. In 2023, the National Migration Institute recorded the highest number of irregular entries compared to previous years, with a total of 512,351<sup>62</sup> people of 115 different nationalities entering in mixed migratory movements.

92. The number of Honduran returnees decreased significantly in comparison to 2022, falling to 52,812, with the majority coming from the United States (36,119) and Mexico (15,065).<sup>63</sup> According to United States Customs and Border Protection, between January and October 2023, 194,986 Honduran nationals<sup>64</sup> were apprehended at the southern border of the United States, including a significant number of families and unaccompanied minors.

93. The Office noted that the State faced challenges in meeting the humanitarian needs of migrants on the move, specifically in ensuring their access to basic services such as water, food, temporary accommodation and health services. Migrants have been forced to spend the night in public spaces, in precarious and overcrowded conditions, owing to the lack of temporary accommodation. They also face high transport costs and a higher risk of being subjected to extortion and violence.

94. The Office welcomes the extensions of the Decree on Migrant Amnesty,<sup>65</sup> which exempts persons who enter the country irregularly from paying administrative fines. OHCHR also welcomes the entry into force of the Act for the Prevention of Internal Displacement and the Protection and Care of Internally Displaced Persons, as well as the establishment of the main body provided for in the Act, the Inter-Institutional Commission for the Protection of Forcibly Displaced Persons.

### **VII. Recommendations**

95. **The Office reiterates the recommendations contained in its previous reports<sup>66</sup> and urges the authorities to implement them. OHCHR reiterates its commitment to providing ongoing support for the efforts of Honduras to respect and guarantee human rights and recommends that it:**

(a) **Develop and implement public policies, focusing on human rights and environmental protection, to promote equitable and sustainable development that significantly reduces poverty and inequality;**

(b) **Strengthen the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators to ensure its effective operation and to foster a sense of joint responsibility among the different State agencies that comprise it;**

<sup>61</sup> *Garifuna community of Triunfo de la Cruz and its members v. Honduras* and *Garifuna community of Punta Piedra and its members v. Honduras*, judgments of 8 October 2015, operative paras. 6 and 7 and operative para. 10, respectively.

<sup>62</sup> See <https://inm.gob.hn/migracion-irregular.html>.

<sup>63</sup> See <https://inm.gob.hn/estadisticas.html>.

<sup>64</sup> See <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

<sup>65</sup> Decree No. 39-2023.

<sup>66</sup> [A/HRC/52/24](#), [A/HRC/49/21](#), [A/HRC/46/75](#), [A/HRC/43/3/Add.2](#), [A/HRC/40/3/Add.2](#) and [A/HRC/34/3/Add.2](#).



- (c) **Adopt the necessary policies and legal reforms to guarantee women's human rights, including their sexual and reproductive rights and the right to a life free from violence;**
- (d) **Promote civic space and the participation of citizens in public affairs, ensuring freedom of expression and access to information;**
- (e) **Adopt the bill on the Judicial Council and the Judicial Service, which provides for the separation of judicial and administrative functions;**
- (f) **Guarantee access to justice for victims of human rights violations, ensuring that the gender perspective and an intersectional approach are incorporated in court proceedings and judgments;**
- (g) **Implement a public security policy with a human rights approach that strengthens prevention and investigation and addresses the structural causes of violence and insecurity; declarations of states of emergency and the suspension of rights must be exceptional and in strict compliance with international human rights law;**
- (h) **Adopt all necessary measures to ensure that the use of force by the National Police and the Public Order Unit of the Military Police, within the scope of their duties, is carried out in strict compliance with international human rights standards and ensure that they can be held accountable, including before the judicial authorities;**
- (i) **Ensure that the selection of a permanent Attorney General and Deputy Attorney General is conducted on the basis of objectivity, ability, suitability and integrity;**
- (j) **Strengthen the capacity of the Public Prosecution Service and ensure that due diligence is exercised in investigations into human rights violations, with particular attention being paid to cases involving violence against women; lesbian, gay, bisexual, transgender and intersex persons; and human rights defenders;**
- (k) **Adopt effective measures to reduce land-related conflicts by establishing a legal and institutional framework that provides for land titling, recognizing the ancestral rights of Indigenous and Afro-Honduran Peoples and the right of access to land for campesino groups and other historically excluded groups;**
- (l) **Establish and ensure the functioning of the tripartite commission for the adoption of a structural approach to the agrarian conflict in Bajo Aguán that guarantees reparation and non-repetition measures;**
- (m) **Ensure the functioning of the High-level Intersectoral Commission for Compliance with the Commitments Issued by the International Human Rights Protection System in cases involving violations of the rights of the Garifuna communities;**
- (n) **Reform the environmental regulatory framework, including the environmental licensing process, and adopt measures to mitigate and adapt to climate change;**
- (o) **Adopt the monitoring and accountability measures necessary to ensure that national and transnational corporations respect human rights in accordance with the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework;**
- (p) **Repeal Decree No. 93-2021 in order to strengthen civic space and prevent improper evictions;**
- (q) **Adopt effective measures to prevent the misuse of criminal law against human rights defenders and journalists;**
- (r) **Adopt the necessary measures to guarantee and enforce the right to truth, memory, reparation and guarantees of non-repetition in cases of serious human rights violations that occurred in the 1980s and 1990s, including by adopting the bill on victims of the national security doctrine;**

(s) Strengthen the institutional capacity of the Public Prosecution Service, and in particular the Specialist Criminal Investigation Agency, to ensure effective and diligent investigations and searches for victims of enforced disappearance in the past and the present;

(t) Transfer the control and management of the prison system from the Public Order Unit of the Military Police to the civil authority and develop and implement public policies that prioritize the rehabilitation and social reintegration of persons deprived of their liberty; in addition, adopt the necessary measures to ensure that pretrial detention is applied only on an exceptional basis;

(u) Develop legal and institutional measures to guarantee the right to consultation and free, prior and informed consent for Indigenous and Afro-Honduran Peoples in connection with projects that affect them;

(v) Adopt the necessary measures to eradicate all forms of discrimination, with particular attention being paid to discrimination based on sexual orientation and gender, including by repealing or amending legal provisions, such as the National Registration Act and its regulations, to bring them into compliance with international human rights law and standards;

(w) Increase the material and human resources of the Office of the National Commissioner for Human Rights and the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment in order to strengthen their work in protecting human rights;

(x) Ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization and adopt a legal framework regulating domestic work;

(y) Accede to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).

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