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Civil and Political Rights**

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Human Rights Committee

**Consideration of reports submitted by States
parties under article 40 of the Covenant**

Second periodic reports of States parties due in 2010

Honduras*,**

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** The annexes to the present report are available for consultation in the secretariat. They are also available from the website of the Human Rights Committee.

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Introduction

1. Honduras ratified the International Covenant on Civil and Political Rights on 25 August 1997, submitting its initial report to the Human Rights Committee on 21 February 2005. That report was considered in October 2006.

2. In the process of preparing the present report, eight day-long working sessions were held in Tegucigalpa in July and August 2015, with the support of the project “Strengthening the Rule of Law for the Promotion and Protection of Human Rights in Honduras”, implemented by the United Nations Development Programme (UNDP) with funds from the Swiss Agency for Development and Cooperation, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNDP. The sessions involved the broad and active participation of representatives of State agencies and civil society organizations, which made up the Inter-Agency Working Group, coordinated by the Ministry of Human Rights, Justice, the Interior and Decentralization.¹ It should be noted that, although it was invited, the Office of the National Commissioner for Human Rights did not join the working group.²

3. This second report, which covers the period from 2010 to the first semester of 2015, represents a significant attempt by Honduras to fulfil its international obligations by responding to the Human Rights Committee’s general recommendations on human rights, reporting on the commitments it voluntarily undertook in respect of its first report on the implementation of the Covenant and responding to the recommendations of the universal periodic review, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on violence against women and the Inter-American Commission on Human Rights, as contained in the Report on the Situation of Persons Deprived of Liberty in Honduras. The present report is organized by theme, corresponding to each article of the Covenant, as set out below.

¹ The Inter-Agency Working Group was composed of the following agencies and civil society organizations: National Congress of the Republic; Counsel General’s Office; the judiciary; Public Prosecution Service; Supreme Electoral Court; National Telecommunications Commission; Empresa Hondureña de Telecomunicaciones (Honduran Telecommunications Company); National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment; Office of the President; Ministry of Human Rights, Justice, the Interior and Decentralization; Ministry of Security; Ministry of Education; Ministry of Foreign Affairs and International Cooperation; Ministry of Defence; Ministry of Finance; Ministry of Labour and Social Security; Ministry of Agriculture and Livestock; Ministry of Energy, Natural Resources, the Environment and Mines; Ministry of Development and Social Inclusion; National Prison Institute; Honduran Agricultural Trade Institute; National Agrarian Institute; Property Institute; Institute on Access to Public Information; National Institute for Women; National Migration Institute; National Institute for Conservation and Forestry Development, Protected Areas and Wildlife; National Bank for Agricultural Development; Directorate for Children, Adolescents and the Family; Directorate-General for Youth; Directorate-General for Indigenous and Afro-Honduran Peoples; National Register of Persons; Fire Department of Honduras; Inter-Agency Commission against Commercial Sexual Exploitation and Trafficking; Honduran Tourism Institute; Honduran Social Investment Fund; Association of Honduran Municipalities; and Ethnic Community Development Organization.

² In memorandum No. 025 DAI-2015 of 30 March 2015, the first deputy of the National Commissioner for Human Rights informed the Office of the Undersecretary of State for Human Rights, Justice, the Interior and Decentralization that the Organic Act on the Office of the National Commissioner for Human Rights did not authorize it to make contributions to reports to be submitted by the Government.

Article 1

4. **Indigenous ancestral lands.** Between 2010 and June 2015, the Property Institute and the National Agrarian Institute deeded 1,033,198.41 hectares to 27 communities of indigenous and Afro-Honduran peoples.³ The award of title to 65,344.10 hectares by the National Institute for Conservation and Forestry Development, Protected Areas and Wildlife is pending⁴ and the process of granting title to a further 404,717.34 hectares has begun.⁵

5. The Office of the Special Prosecutor for Ethnic Groups and the Cultural Heritage of the Public Prosecution Service has brought 22 cases of encroachment on the lands of indigenous communities under the remit of the law.

6. **Public food and agriculture policy.** The 2004-2021 Honduras State Policy for the Agrifood Sector and Rural Areas has been adopted.

7. **Training and technical assistance for producers.** Between 2010 and June 2015, the Ministry of Agriculture and Livestock trained 203,531 producers nationwide and provided technical assistance to 13,808 families in 10 departments through a project entitled “Improving the Competitiveness of the Rural Economy in Yoro Department”, the Rural Competitiveness Programme and the Sustainable Rural Development Programme for the Southern Region. Moreover, in 2015, the Ministry of Development and Social Inclusion gave 950 people training in food and nutrition education.

8. **Food security.** The 2010-2022 Food and Nutrition Security Strategy was adopted⁶ and the Food and Nutrition Security Act, which established the National Food and Nutrition Security Council, chaired by the Office of the President and composed of State institutions, private enterprises and civil society, entered into force in 2011.⁷

9. **Projects to ensure food security.** The Ministry of Agriculture and Livestock has issued production solidarity vouchers authorizing the release of high-yield varieties of maize and beans, provided technical assistance and equipment for the creation of family-run fruit and vegetable plots, provided metal silos for grain storage, underwritten agreements between producers and agro-industry for the sale and purchase of rice, maize and sorghum, raised and sold tilapia fingerlings at low cost, built reservoirs — known as

³ Title has been granted to 1,033,198.41 hectares, 108,735.30 of which went to the Lenca, Chorti, Tolupan, Garifuna and Miskito communities. The grant of title to 924,463.15 hectares belonging to eight Miskito local councils (Finzmos, Wamakklisinasta, Trucksinasta, Lainasta, Watiasta, Batiasta, Bamiasta and Bakinasta) is pending.

⁴ Under Decree No. 61-2013, published in the Official Gazette No. 33,138, of 31 May 2013, the National Congress authorized the National Institute for Conservation and Forestry Development, Protected Areas and Wildlife to grant land title to the indigenous and Afro-Honduran communities located in the Río Plátano Biosphere Reserve.

⁵ The National Institute for Conservation and Forestry Development, Protected Areas and Wildlife granted title to 65,344.10 hectares to the Bakinasta local council. Currently under way is the process of granting title to 282,101.44 hectares belonging to the three local councils (Diunat, Rayaka and the tripartite Bamiasta/Batiasta/Diunat area) located in the Río Plátano Biosphere Reserve; 27,995 hectares for the Las Marías community of the Pech people; 63,237.9 hectares requested by the Rayaka local council; and 31,383 hectares belonging to the Plaplaya community, located in the municipality of Juan Francisco Bulnes in Gracias a Dios Department.

⁶ Under Executive Decree PCM-038-2010, published in Official Gazette No. 32,321 of 21 September 2010, the National Food and Nutrition Security Strategy was approved and the Office for Food and Nutrition Security established as the body responsible for implementation of the Strategy.

⁷ The Food and Nutrition Security Act was adopted under Decree No. 25-2011, published in Official Gazette No. 32,561, of 7 July 2011.

water harvesters, — and brought farmland under irrigation, thus benefiting 507,613 producers⁸

10. The Ministry of Development and Social Inclusion runs the Food and Nutrition Security Programme, through which it has distributed 269,000 bags of basic foodstuffs, 1,666 kits with farming equipment for school fruit and vegetable plots and 9,110 kits for family plots. School meals were provided for 1,220,915 boys and girls in public education facilities in 2014 and for more than 1,300,000 in 2015. In 2014, the Honduran Agricultural Trade Institute bought 1 per cent of the total harvest and, in 2015, it had already bought 0.71 per cent by the end of May, thereby benefiting people of limited means⁹

11. **Basic social infrastructure.** Through the project entitled “Improving the Competitiveness of the Rural Economy in Yoro Department”, the Ministry of Agriculture and Livestock provided families in Yoro Department with 1,034 latrines, 1,037 eco-stoves, 293 water-storage basins, 1,062 roofs and 842 floors. Through the Sustainable Rural Development Programme for the Southern Region, repairs were completed on 114 kilometres of local roads providing access to markets, to the benefit of 15,885 families. From 2014 to June 2015, the Ministry of Development and Social Inclusion provided assistance through the Healthy Housing Programme to 193,280 families living in extreme poverty by building and delivering 1,866 housing units, 16,183 sturdy roofs, 43,704 sturdy floors, 24,255 latrines, 26,105 basins, 37,272 eco-stoves and 43,895 water filters.

12. **Employment generation.** In November 2010, the National Congress adopted the National Hourly Employment Programme Act,¹⁰ implemented through the Ministry of Labour and Social Security. The Act led to the creation of 177,369 jobs throughout the country over the 36 months of its temporary operation. In view of its success, the decision was made to continue it and to make it permanent as of 2014 by adopting the Hourly Employment Act;¹¹ currently running in seven cities, the programme has generated 88,547 jobs. In addition, in January 2014, the Act on Protection, Benefits and Regularization of

⁸ The Ministry of Agriculture and Livestock has helped 507,613 families by issuing 493,725 production solidarity vouchers; authorizing the release of 38 varieties of high-yield, pest- and temperature-resistant maize and beans suited to the changing climate; providing 10,740 families with technical assistance and equipment for the establishment of family-run fruit and vegetable plots in 7 departments; providing 781 families in Yoro Department with metal silos for grain storage; underwriting agreements between producers and agro-industry for the purchase and sale of rice, white and yellow maize and sorghum; raising 9.2 million tilapia fingerlings and selling 7 million of them at low cost to stimulate production in this area through the El Carao Fish Research Centre; building reservoirs, known as water harvesters, that have the capacity to irrigate approximately 435 hectares of cropland belonging to 74 communities located in 5 departments, thus benefiting 867 producers; bringing 32,492 hectares of farmland under irrigation; and providing access to irrigation for 10,000 hectares of agricultural land in 6 departments, benefiting 1,500 producers.

⁹ The Honduran Agricultural Trade Institute was established by Decree Law No. 592-78 of 24 February 1978 as an autonomous institution, with legal status and its own assets. It commenced operations on 27 October of the same year.

¹⁰ The National Hourly Employment Programme Act was adopted on 4 November 2010 under Decree No. 230-2010, published in the Official Gazette on 5 November 2010. Its validity was extended by Decree No. 218-2013 of 6 September 2013, published in Official Gazette No. 33,246 of 5 October 2013, and later by Decree No. 279-2013 of 21 December 2013.

¹¹ The Hourly Employment Act was adopted under Decree No. 354-2013 of 20 January 2014, published in Official Gazette No. 33,393 of 31 March 2014.

Informal Activity¹² and the national minimum wage for the period 2014-2016 were adopted.¹³

13. **Other programmes implemented.** Other programmes are being implemented through the Ministry of Labour and Social Security:

(a) Under the “You Live Better with Work” (Con Chamba Vivís Mejor) programme launched in 2014 in partnership with the private sector and with a contribution from the Government of one half of the minimum wage for up to three months, 51,196 jobs have been created;¹⁴

(b) Community Service Jobs:¹⁵ municipal councils and groups of municipalities put out tenders for minor social work projects, providing the materials for carrying them out, funding the programme and making a financial contribution to paying wages for the employment generated for the duration of the projects, as a result of which 18,774 jobs were created in seven months;

(c) *Chambita*: a job-training programme that provides support to unemployed persons by improving their capacities through the National Institute for Vocational Training; as at June 2015, 1,183 young people have received training.

14. In addition, to support workers with children aged less than 6 years, the Ministry of Labour and Social Security runs nine childcare centres nationwide, which provide free food and educational, recreational, health and early stimulation services. Between 2010 and July 2015, services were provided for 24,882 children, to the benefit of 25,426 workers.

15. **Support programmes for small businesses.** Between 2014 and June 2015, the Ministry of Development and Social Inclusion initiated projects generating 31,843 sources of income in various areas; 3,255 loans were granted to women from marginal urban and rural areas, who were given training in productive activities: 5,531 to small businesses making tortillas; 5,353 to small businesses making *pupusas* (stuffed tortillas) and *baleadas* (flour tortillas with beans); 5,220 to small businesses making handicrafts; and 430 to young graduates of the ninth grade living in extreme poverty. In addition, the Ministry of Agriculture and Livestock has created 111,472 rural jobs through various programmes and projects to promote rural competitiveness.

16. **Social protection policies and programmes.** The Social Protection Policy, which is implemented by the Ministry of Development and Social Inclusion, was adopted in March 2012.¹⁶ It is based on the Framework Act on Public Social Policies, adopted in April 2011.¹⁷ In addition, the Framework Act on the Social Protection System, which established, inter alia, the social protection floor to provide non-contributory access to essential services and

¹² The Act on Protection, Benefits and Regularization of Informal Activity was adopted under Decree No. 318-2013 of 15 January 2014, published in Official Gazette No. 33,436 of 26 May 2014.

¹³ The national minimum wage for the period 2014-2016 under the Tripartite Agreement on the Adjustment of the Minimum Wage for the years 2014, 2015 and 2016 was adopted under Agreement No. STSS-599-2013 of 20 December 2013, published in Official Gazette No. 33,313 of 26 December 2013.

¹⁴ Con Chamba Vivís Mejor was adopted under Executive Decree No. PCM 04-2014 and published in Official Gazette No. 33,367 of 28 February 2014.

¹⁵ Community Service Jobs and *Chambita* were adopted by Executive Decree No. PCM 04-2015, published in Official Gazette No. 33,641 of 26 January 2015.

¹⁶ The Social Protection Policy was adopted under Executive Decree No. PCM 008-2012 of 18 March 2012.

¹⁷ The Framework Act on Public Social Policies was adopted under Decree No. 38-2011 of 12 April 2011, published in Official Gazette No. 33,149 of 13 June 2013.

social transfers, in particular for the poorest and most vulnerable people, was adopted in July 2015.¹⁸

17. Launched within this policy framework are initiatives such as the “Bono 10,000” Presidential Programme on Health, Education and Nutrition,¹⁹ now known as the “Better-Life Voucher”, which has been implemented under the two most recent administrations. It involves the provision of cash transfers subject to the fulfilment of joint responsibilities, through the creation of opportunities and the development of capacities and competences in education, health and nutrition for families living in poverty or extreme poverty.²⁰ Between 2010 and 2015, it benefited 1,387,962 families.

18. **Environmental management policy.** In August 2013, the Policy on the Environmentally Sound Management of Chemicals was adopted,²¹ which led to the establishment of the National Commission for the Environmentally Sound Management of Chemicals.²² The 2015-2025 National Plan for the Implementation of the Stockholm Convention on Persistent Organic Pollutants in Honduras was also adopted. In December 2014, 60 tons of persistent organic pollutants — pest-control substances — were incinerated in the United Kingdom and, in May 2015, 111.6 tons of polychlorinated biphenyls (PCBs) were collected, packaged and removed nationwide and then shipped off for destruction in France and Spain.

19. **Climate change.** In 2010, the Ministry of Energy, Natural Resources, the Environment and Mines established the National Climate Change Directorate,²³ thereby developing the Honduran National Climate Change Strategy.²⁴ The 2014-2022 Plan of Action to Combat Desertification and Drought in Honduras, the National Strategy for the

¹⁸ The Framework Act on the Social Protection System was adopted under Decree No. 56-2015, published in Official Gazette No. 33,771 of 2 July 2015.

¹⁹ The “Voucher 10,000” Presidential Programme on Health, Education and Nutrition was adopted under Executive Decree No. PCM-010-2010 of 13 April 2010.

²⁰ To measure the impact of the “Voucher 10,000” Programme, the prestigious National Opinion Research Center (NORC), an independent research institution founded in 1941 affiliated with the University of Chicago, was commissioned to produce an assessment, working in collaboration with the Honduran firm ESA Consultores, Economía, Sociedad, Ambiente e Ingeniería, which was founded in 1992, with experience conducting studies in Honduras, Central America and other countries across the world. The assessment, which was done by meticulously applying social science standards, found that, after a year of participation in the programme, the poverty rate of beneficiary households had fallen by 3 per cent and that average per capita consumption had increased by 7 per cent. It also found that the school enrolment rate for children between 6 and 17 years of age in beneficiary households rose by 2.8 per cent in 2013 and that school attendance rose by 3.2 per cent. As regards child health, the programme led to an increase of 2.6 percentage points in the rate of visits to health centres for children up to 3 years of age, and children aged 1 were 15 per cent more likely to have their weight checked. Finally, the study recommended sharpening the focus of the voucher. This means that it is necessary to continue strengthening and integrating information systems; attempt to standardize the voucher, as regards its payments and duration; strengthen the monitoring and verification of the beneficiary households’ fulfilment of joint responsibilities; facilitate better coordination with the Ministries of Education and Health; and undertake other assessments to measure the impact after the beneficiaries have had several years of experience with the programme.

²¹ The Policy on the Environmentally Sound Management of Chemicals was adopted under Executive Decree No. PCM-029-2013, published in the Official Gazette on 13 August 2013.

²² The National Commission for the Environmentally Sound Management of Chemical Products was established under Executive Decree No. PCM-035-2013, published in the Official Gazette on 19 August 2013.

²³ The Ministry established the National Climate Change Directorate under Executive Decree No. PCM-022-2010, published in the Official Gazette on 30 June 2010.

²⁴ The Honduran National Climate Change Strategy was adopted under Executive Decree No. PCM-046-2010, published in the Official Gazette on 15 December 2010.

Conservation of Sea Turtles in Honduras²⁵ and the Climate Change Act were adopted.²⁶ In 2015, the Ministry of Agriculture and Livestock established the Agro-Environmental, Climate Change and Risk Management Unit, which formulated a national strategy for the adaptation of the Honduran agrifood sector to climate change for the period 2014-2042, and set up a technical group to deal with the agrifood subsector.

20. **Management and use of forests.** To ensure the efficient management of forest resources, the National Institute for Conservation and Forestry Development, Protected Areas and Wildlife provided support for 213 small, traditional businesses; awarded 96 forest management contracts; adopted and implemented 31 management plans for protected areas; undertook 8 population studies of endangered species of wild flora and fauna; and supported the legal protection of 767 small watersheds. In June 2015, the United Nations Educational, Scientific and Cultural Organization (UNESCO) announced the designation of the Cacique Lempira, Señor de las Montañas, Biosphere Reserve (Honduras), which is located in the western part of the country and covers a total area of 168,634 hectares.²⁷ In addition, the National Congress ratified the International Tropical Timber Agreement²⁸ in May 2011 and the Gaborone amendment to the Convention on International Trade in Endangered Species of Wild Fauna and Flora in March 2012.²⁹

Article 2

21. **Harmonization of domestic legislation.** The National Institute for Women conducted a study to bring the national legal framework into line with international human rights instruments and, as a result, the formulation of an amendment to the Equal Opportunities Plan for Women Act, as well as a bill on marital rape, is under way.

22. **Military police.** The Constitution provides that the Armed Forces of Honduras are to cooperate with the national police in the maintenance of law and order, counter-terrorism, arms trafficking and organized crime. In 2013, in implementation of this provision, an Act was adopted on the public order military police,³⁰ a body made up of members of the Armed Forces, with jurisdiction throughout the country. Also adopted were the Public Security Strategy, to run from December 2013 to January 2018, and the four-stage Strategic Plan for Public Security, in the fourth stage of which civilian authority is to be stabilized and re-established. To implement this plan, six battalions were formed, trained and registered exclusively for public security tasks, the aim being not to use regular or conventional troops for such tasks and thus clearly separate military and policing duties. The military police have no means of sea and air transport, so the Armed Forces provide them with such means.

²⁵ The National Strategy for the Conservation of Sea Turtles in Honduras was adopted under Ministerial Decision No. 1431-2014.

²⁶ The Climate Change Act was adopted under Executive Decree No. 297-2013, published in the Official Gazette on 10 November 2014.

²⁷ UNESCO press release No. 50-2015, issued in Paris on 9 June 2015. The International Coordinating Council of the UNESCO Man and the Biosphere Programme has added 20 new sites to the World Network of Biosphere Reserves, including the Cacique Lempira, Señor de las Montañas, Biosphere Reserve (Honduras). Contact: Agnès Bardon. +331 45681764. a.bardon@unesco.org.

²⁸ International Tropical Timber Agreement, ratified by the National Congress through Decree 54-2011 of 18 May 2011, published in Official Gazette No. 32,584 of 3 August 2011.

²⁹ Gaborone amendment to the text of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, adopted by the National Congress through Decree No. 34-2012 of 21 March 2012, published in Official Gazette No. 32,828 of 24 May 2012.

³⁰ The Public Order Military Police Act was adopted under Decree No. 168-2013 of 22 August 2013.

23. **Establishment of the Honduras office of OHCHR.** In February 2014, the State, through the President, submitted a formal application for the opening of the office, signing the agreement in Geneva, Switzerland, on 4 May 2015 and initiating the domestic legal procedure for its establishment in 2015.

24. **Action to curtail the conflict in the Lower Aguán River Valley.** To ensure the security of the population and maintain social order, several protective measures have been taken, including:

(a) The signing of agreements between peasant farmers' organizations and large-scale agricultural exporters; since 2010, two such agreements have been promoted and signed. The first was signed on 23 April 2010 and the second on 17 June 2011, the Movimiento Unificado Campesino del Aguán (Unified Peasant Movement of the Aguán) and the Movimiento Auténtico Reivindicador Campesino del Aguán (Peasant Land Claims Movement of the Aguán), which represent more than 3,500 families, having entered into both these agreements. In support of this process, the National Congress authorized the State to act as guarantor for private bank loans to the two movements to enable them to buy land owned by one of the agricultural export companies;³¹

(b) In September 2011, the Xatruch II joint task force, made up of members of the Armed Forces and the national police, was formed to conduct patrols and set up checkpoints in the conflict zone, to confiscate weapons in implementation of Legislative Decree No. 117-2012,³² to arrest persons for whom warrants have been issued, to disband criminal gangs and to carry out evictions ordered by the relevant judicial authorities;

(c) In May 2014, under the coordination of the Ministry of Human Rights, Justice, the Interior and Decentralization, an inter-agency committee for a human rights-based approach to the prevention and alternative resolution of conflicts was established. One of its noteworthy achievements has been the implementation of a strategy or road map for a comprehensive approach to the agricultural disputes and social unrest of the lower Aguán Valley that seeks to lay the groundwork for a lasting resolution of the conflict. Dialogue with peasant farmers' organizations and businesspersons has been encouraged, so occupations of farms were reduced to a minimum in 2014 and up to June 2015 and there were no recorded deaths linked to the conflict.

25. **Measures for the implementation of the National Human Rights Action Plan:**

(a) The National Human Rights Action Plan was adopted in March 2013,³³ with the first inter-agency agreement signed in April of the same year and the second in April 2014. State agencies thereby pledged to include policy actions and the Action Plan in their annual operating plans;

(b) With a view to ensuring follow-up to the implementation process, 2013 also saw the establishment of the Inter-Agency Committee, which is coordinated by the Ministry of Human Rights, Justice, the Interior and Decentralization and has from the outset been

³¹ The State was authorized to act as guarantor for land purchases in the Aguán Valley by peasant farmers' movements under Legislative Decree No. 161-2011 of 13 September 2011, published in Official Gazette No. 32,635 of 4 October 2011.

³² Decree No. 117-2012 is an amendment to article 37 of the Act on the Control of Firearms, Munitions, Explosives and Similar Items, adopted by the National Congress on 2 August 2012. It contains a transitional article with a specific geographical reference to Colón Department (the administrative division in which the Lower Aguán conflict is taking place), prohibiting the carrying of weapons in public places or transporting them by vehicle, even if the weapon is registered or otherwise legally carried. Published in Official Gazette No. 32,892 on 7 August 2012.

³³ The National Human Rights Action Plan was adopted under Executive Decree No. PCM-003-2013, published in the Official Gazette on 12 March 2013.

composed of 18 focal points from various agencies; as of June 2015, 37 agencies were implementing the National Human Rights Action Plan;

(c) In the first half of 2015, a strategy on intersectoral human rights boards was adopted in order to create a forum, composed of State agencies and civil society, for the analysis and discussion of progress towards implementation. Three intersectoral boards were set up, on human security, the justice system and democracy;

(d) A computerized tracking system was set up and the focal points on the Committee were given access codes to input reports;

(e) A human rights-based approach was taken to municipal plans and budgets in three municipalities; as at June 2015, 600 civil servants from 80 municipalities have received training.

26. **Indicators.** To facilitate assessment, the National Human Rights Action Plan contains 345 indicators based on the indicators set out by OHCHR. They are not yet being applied, as they must be made compatible with the list of indicators used by the State agencies implementing the plan and with those used in the government system of results-based assessment.

27. **Measures to follow up on the work of the Truth and Reconciliation Commission.** The Commission's recommendations were incorporated into the National Human Rights Action Plan, specifically into the chapter on the right to the truth. Follow-up is thus conducted through reports submitted by the agency focal points. According to the latest progress report, 37 recommendations have been implemented, 32 are being implemented and in 15 cases no progress has been reported.

28. **Central American Security Strategy.** A technical committee was set up within the Ministry of Security to implement the strategy. Its noteworthy achievements include:

(a) Implementation of Regional Operation Hope II to combat trafficking in persons and related offences against children and adolescents between October 2014 and May 2015;

(b) Implementation of a project entitled "Inter-Agency and Regional Coordination for Border Security in Central America";

(c) Modernization of electronic systems and monitoring of migratory movements through the implementation of the Public Information Emergency Response (PIER) system and a connection with the I-24/7 system of the International Criminal Police Organization (INTERPOL);

(d) Giving priority to the projects that make up the three components of the strategy — fighting crime, preventing violence and strengthening institutions — and, in 2015, jointly with the National Institute for Women, the implementation of Project B.A.-1 for the prevention of violence against women in Central America, under which special attention was paid to 10 municipalities with high rates of violence, the bodies responsible for the protection of women were strengthened and a local and cross-border map of risk and protection factors was drawn up.

Article 3

29. **Legislative measures to ensure the equality of men and women.** In March 2015, the Code of Criminal Procedure was amended to require justice officials to use Gesell

chambers.³⁴ In April 2015, the option of paying different wages to men and women who are in the same category of wage labour and do work of equal value was prohibited and Wage Equality and Work Day was established.³⁵

30. **National Policy on Women and the Second Gender Equality and Equity Plan.** The policy is implemented by the National Institute for Women. It is the main technical and political instrument for mainstreaming the gender equality and equity goals and targets established under the Act on the Establishment of a Vision for the Country and Plan for the Nation. Its major achievements include:

(a) The operation nationwide of 298 municipal offices for women, with municipalities being required to earmark 2 per cent of the cash allocated to them for programmes and projects for economic and social development and the prevention of violence against women. To strengthen the municipal offices for women, the National Institute for Women has produced a handbook on their functions;

(b) The adoption in 2013 of the Gender Equity Management System, Honduran standard OHN 3001-2013;

(c) The adoption in 2014 of the 2014-2022 National Plan to Combat Violence against Women, which is currently being publicized;³⁶

(d) The development and ratification in 2014 of the protocols on service delivery and procedures for shelters; in 2015, two seized houses were designated to serve as shelters, one in Tegucigalpa, with capacity for 50 women with their children, which will be set up by agreement with the organization Calidad de Vida (Quality of Life), and one in San Pedro Sula, managed by the municipality, which has been operational since 15 June 2015 and has beds for 40 women and their children.

31. **Specialized courts.** The judiciary has two specialized domestic violence courts, located in Cortés and Francisco Morazán Departments. The former has six judges and the latter seven. In 2013, three enforcement judges were appointed in Cortés, Francisco Morazán and Atlántida Departments to deal with domestic violence cases.

32. **Measures taken to protect victims of gender violence:**

(a) In 2013, as part of the Safe Cities Project, the Ministry of Security launched the 911 line, which replaces all previously existing emergency telephone lines, such as 114. In 2014 and up to July 2015, there were 46,323 complaints of domestic violence and 5,404 persons were arrested;

(b) In 2014, in coordination with the member agencies of the Inter-Agency Commission to Combat Violence against Women, the judiciary in Tegucigalpa established the first Promotion of Women's Rights and Support Centre, where counselling services, alternative conflict resolution mechanisms, legal assistance, psychosocial support, forensic assessment and health-care services are provided free of charge. The judiciary also adopted a protocol on the enforcement of the Domestic Violence Act and a protocol on

³⁴ The Code of Criminal Procedure was amended under Decree No. 22-2015 of 10 March 2015 to require justice officials to use Gesell chambers as a means of enabling child and women victims of sexual crimes to provide a single statement that can be used as evidence in any future trial.

³⁵ The National Congress adopted Decree No. 27-2015 of 7 April 2015, which prohibited paying different wages to men and women who are in the same category of wage labour and do work of equal value and established Wage Equality and Work Day, to be celebrated every 7 April. This Decree is awaiting approval by the President of the Republic.

³⁶ The 2014-2022 National Plan to Combat Violence against Women was adopted under Executive Decree No. 012-2014, published in Official Gazette No 33,369 of 3 March 2014.

comprehensive assistance to victims of violence against women in cases of domestic and family violence, which includes a technical guide to the implementation of the latter;

(c) In 2010, the Public Prosecution Service issued a handbook on psychiatric and psychological assessment in cases of violence against women. In 2011, it issued a training manual on gender, justice and human rights and a programme on training personnel as part of their induction. In the same year, in La Ceiba, the comprehensive support model for women survivors of domestic violence (see support handbook in annex IV) was introduced, and special teams were set up to support the municipalities of Tela, Jutiapa and Arizona. The model was introduced in 2012 in the Central District Municipality and special teams were also set up in the municipalities of Talanga and Sabanagrande. Between 2012 and 2014, assistance was given to victims in 3,451 cases and 964 measures were adopted. The Public Prosecution Service also adopted the tools for the implementation and use of Gesell chambers and the relevant operating protocol. However, it must be noted that the Public Prosecution Service's Witness Protection Programme does not have safe houses exclusively for women.

33. **Training on gender-based violence.** Between 2010 and March 2015, the Ministry of Defence provided training for 5,382 people, the Salomón Jiménez Castro Judicial Training College for 2,118, the Ministry of Security for 4,147, the Public Prosecution Service for 1,129 and the National Institute for Women for 604. Campaigns entitled Combating Violence in Courtship, "No Means No" and Combating Sexual Harassment in the Workplace have been conducted (see annex I). Statistical data on the different forms of violence against women may be found in annex II.

Article 6

34. **Legislative measures.** In 2012, the National Congress introduced article 333-A into the Criminal Code, thereby making enforced disappearance an offence³⁷ and bringing the Code into line with the Inter-American Convention on Forced Disappearance of Persons. In 2013, it also introduced article 118-A to make femicide³⁸ an offence carrying a sentence of 30 to 40 years' imprisonment. Domestic legislation prohibits abortions in all circumstances, in keeping with articles 65 to 67 of the Constitution and article 6 of the Covenant, which prioritize the right to life.

35. **Strengthening of criminal investigations.** The Technical Criminal Investigation Agency³⁹ was established in 2014 under the Public Prosecution Service. It has national jurisdiction and is mandated to investigate cases of offences under article 184 of the Code of Criminal Procedure, which does not provide for alternatives to pretrial detention. Between 15 January and 30 June 2015, the Task Force on Offences against Life received 120 reports, of which 27 were investigated and referred to the prosecutor, and the Organized Crime Task Force received 13, of which 5 were investigated and referred. In September 2015, the National Criminal Investigation Directorate was shut down and the Police Investigation Directorate was established. Operating under the legal guidance of the Public Prosecution Service, it will be staffed by qualified professionals who have undergone reliability tests and who have the necessary criminal investigation skills and technical and scientific know-how to provide reliable evidence for criminal proceedings.

³⁷ Decree No. 49-2012, which was published on 16 June 2012 in Official Gazette No. 32,873, introduced article 333-A into the Criminal Code, thereby making enforced disappearance an offence.

³⁸ Decree No. 23-2013, which was published in Official Gazette No. 33,092 of 6 April 2013, introduced article 118-A into the Criminal Code to criminalize femicide.

³⁹ The Technical Criminal Investigation Agency was established pursuant to Decree No. 379-2013, which was published in Official Gazette No. 33,382 of 18 March 2014.

36. **Struggle against impunity.** The Office of the Special Prosecutor for Offences against Life was established under the Public Prosecution Service⁴⁰ in August 2013, along with the High-Impact Investigation Unit, which focuses exclusively on murders of women, children, members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, journalists and lawyers. As a result, as at June 2015, 42 homicides of LGBTI persons have been prosecuted, of which 14 have led to convictions and 8 to acquittals, with 23 cases pending. Of the 18 cases of murdered journalists and spokespersons, 10 have been prosecuted (leading to 6 convictions and 4 acquittals), 6 are before the courts and arrest warrants have been issued in 2. Regarding murdered lawyers, of the 77 cases that have been investigated, 18 have been prosecuted, of which 5 led to convictions and 4 to acquittals.

37. The Office of the Special Prosecutor for Offences against Life has drawn up a manual on investigative procedures in cases of the violent death of women (see annex III), which includes a gender perspective, and has been running training activities since April 2014.

38. As at June 2015, the Violent Death Unit of Bajo Aguán has initiated proceedings in 14 cases relating to land disputes, of which 13 are in the trial phase and 1 has led to a conviction.

39. **Death of minors.** It cannot be categorically stated that all deaths of minors are extrajudicial executions, but the Public Prosecution Service and the police have an absolute obligation to automatically investigate as soon as a case is brought to their attention. The Special Unit for the Investigation of Deaths of Minors was set up in 2002 within the National Criminal Investigation Directorate and operates under the orders of the Public Prosecution Service. There are three working groups in the capital that deal not only with cases involving children but also with other topics; therefore, they cannot devote themselves solely to investigations. Between 2010 and July 2015, legal action was taken in 54 cases, of which 29 are being prosecuted, 21 led to convictions and 4 led to acquittals.

Article 7

40. **Legislative measures to prevent torture.** In 2011, the National Congress amended article 209-A of the Criminal Code on the offence of torture,⁴¹ bringing it into line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The ratification process of the Inter-American Convention to Prevent and Punish Torture⁴² is under way; a request was made on 1 July 2015 for Decree No. 41-2009 to be published in the Official Gazette. A new Criminal Code is being drafted under which it is envisaged to increase penalties for violence and ill-treatment against women and children.

41. **National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment.** The Government set up the National Committee on 17 September 2010 in keeping with the commitments that it made upon ratifying the Optional Protocol to the Convention against Torture. In order to guarantee its financial independence, article 7 of

⁴⁰ The Office of the Special Prosecutor for Offences against Life was established in August 2013 under Decision No. CIMP-025-08-2013 of the nomination board of the Public Prosecution Service, appointed by the National Congress.

⁴¹ Decree No. 22-2011, which was published in Official Gazette No. 32,519 of 19 March 2011, amended article 209-A of the Criminal Code on the offence of torture.

⁴² The Inter-American Convention to Prevent and Punish Torture was ratified under Decree No. 41-2009 of 17 March 2009. Through Notice No. 276-DGTC of 1 July 2015, the Ministry of Foreign Affairs and International Cooperation requested the cooperation of the National Congress for publication in the Official Gazette.

the act establishing the National Committee was amended under Decree No. 356-2013 to invalidate any legal or administrative provision that might restrict, limit or delay access to State funds or transfers earmarked for the National Committee. It should be noted that its budget allocation has increased as follows: 3 million lempiras in 2011, 8 million in 2012, 8 million in 2013, 9 million in 2014 and 9 million in 2015.

42. The National Committee receives orally and in writing complaints of violations of the rights of persons deprived of their liberty. It can also lodge complaints based on its intensive monitoring through unscheduled visits of places of deprivation of liberty, including prisons, police stations, detention centres for young offenders and psychiatric hospitals. It conducted more than 200 visits in 2014 and a further 124 up to June 2015. Every visit results in a report and recommendations to the authorities.

43. **Use of force.** Article 31 of the Organic Act on the National Police and the Manual on the Use of Force set forth measures to determine when the use of force is necessary and to prevent abuses on the part of law enforcement officials. A bill is currently being drafted on the use of force by the national police.

44. Between 2014 and June 2015, the Human Rights Department of the Ministry of Security ran training sessions on this topic, in which 7,373 police officers of various ranks took part, while the National Committee trained 803 persons deprived of their liberty and prison personnel. Between 2013 and 2015, the Ministry of Human Rights, Justice, the Interior and Decentralization provided training for 2,129 military police officers, municipal employees and prison personnel. The Public Prosecution Service is currently investigating 128 cases of excessive use of force by public officials, 29 of which have been prosecuted, leading to 6 convictions.

45. **Internal weapons oversight in the national police.** The allocation, use and issuance of weapons are subject to internal administrative controls.

Article 8

46. **International anti-trafficking instruments.** Honduras ratified the Convention on the Reduction of Statelessness⁴³ and the Convention relating to the Status of Stateless Persons⁴⁴ in 2012. In 2013, the National Congress withdrew the reservations to articles 24, 26 and 31 of the Convention relating to the Status of Refugees.⁴⁵ That same year, a memorandum of understanding was signed between Honduras and Colombia on the prevention and investigation of the offence of trafficking in persons and assistance to and protection of victims of trafficking.⁴⁶ In 2015, a memorandum of understanding was signed between the Governments of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras and Nicaragua on the implementation of the Regional Framework for Action on

⁴³ The Convention on the Reduction of Statelessness was adopted under Legislative Decree No. 102-2012 of 25 July 2012.

⁴⁴ The Convention relating to the Status of Stateless Persons was adopted under Decree No. 94-2012 of 20 June 2012.

⁴⁵ The reservations to the Convention relating to the Status of Refugees were withdrawn by the National Congress on 25 February 2013 under Decree No. 20-2013, which was published in Official Gazette No. 33,092 of 6 April 2013.

⁴⁶ The memorandum of understanding between Honduras and Colombia on the Prevention and Investigation of Human Trafficking Offences and on Victim Assistance and Protection was signed in New York, United States of America, on 23 September 2013.

an Integrated Approach to Trafficking in Persons in Central America and the Dominican Republic.⁴⁷

47. **Domestic legislation.** The Criminal Code contains various provisions on the offence of commercial sexual exploitation in articles 144, 148, 149-B, 149-C, 149-D, 149-E, 154-A and 321. In April 2012, the Trafficking in Persons Act⁴⁸ was adopted, which provides for, inter alia, criminal penalties for all modes and purposes of trafficking, both internal and transnational, comprehensive protection measures for victims, the obligation to grant special stay or temporary residence permits to victims, and the establishment of the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons as a decentralized body of the Ministry of Human Rights, Justice, the Interior and Decentralization. Child victims of trafficking are a focus of the Social Protection Policy and the National Policy on Violence against Children. Furthermore, the National Action Plan to Combat Commercial Sexual Exploitation and Trafficking in Persons 2016-2020 is being formulated.

48. **Institutional strengthening of the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons.** As at June 2015, 16 local committees have been put in place, along with a rapid response team and a repatriation protocol. In June 2014, a hotline (+504 8990-5187) was set up to receive reports of trafficking in persons, which are processed by the rapid response team. A total of 49 calls were received between March and July 2015, one of which has led to a trial. The Inter-Agency Commission was allotted a budget of 2,637,952 lempiras in 2014 and 2,863,000 lempiras in 2015. The Office of Seized Assets provided the Inter-Agency Commission with 1,238,201.17 lempiras in 2014.

49. **Treatment of victims.** Between 2012 and 2014, as part of a programme of institutional support to combat trafficking in persons in Honduras, 197 victims of commercial sexual exploitation or trafficking received assistance. In addition, the National Migration Institute⁴⁹ prepared the Manual on Procedures for the Prevention of Trafficking in Children and Adolescents for Purposes of Sexual Exploitation, whose objective is to facilitate the identification and care of trafficking victims, especially those under 18 years of age.

50. **Investigation of trafficking.** The Public Prosecution Service Task Force against Commercial Sexual Exploitation and Trafficking in Persons has been strengthened through additional human and logistical resources. It currently has two prosecutors, two investigation analysts and six investigators, in addition to the four investigators of the Technical Criminal Investigation Agency. Between 15 January and 30 June 2015, they received 142 complaints, 56 of which were investigated and referred to the prosecutor.

51. **Training.** Between 2010 and April 2015, the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons carried out 12 awareness-raising campaigns, 2 courses, 85 workshops, 55 forums, 27 informational events and 6 discussions, in which 35,540 people took part. In addition, the judiciary developed a course that has been taken by 40 public officials. The Ministry of Defence conducted training

⁴⁷ The memorandum of understanding between the Governments of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras and Nicaragua on the implementation of the Regional Framework for Action on an Integrated Approach to Trafficking in Persons in Central America and the Dominican Republic was signed in Guatemala on 13 February 2015.

⁴⁸ On 25 April 2012, the National Congress adopted Decree No. 59-2012, which contains the Trafficking in Persons Act.

⁴⁹ The National Migration Institute was established by Executive Decree No. PCM-031-2014 of 30 June 2014.

courses for 559 people, the Ministry of Security for 39, the National Migration Institute for 300 young people and the Public Prosecution Service for 928 (see annex VI).

52. **International instruments on the human rights of migrants.** In 2012, the Inter-Institutional Cooperation Agreement on the Establishment of Mechanisms for the Exchange of Information on Untraced Migrants and Unidentified Bodies was signed in Tegucigalpa. Pursuant to a memorandum of understanding between Mexico and Honduras, the Honduras-Mexico High-Level Group on Security was established in May 2015.

53. Furthermore, negotiations are under way on a letter of intent regarding matters relating to migration and the protection and return of trafficking victims between Mexico, Belize, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama, and on an addendum to the memorandum of understanding between the Governments of Mexico, El Salvador, Guatemala, Honduras and Nicaragua on the return of their nationals overland.

54. **Domestic legislation on the protection of migrants.** The Special Regime for the Legal Migration of Hondurans for Work in the Agricultural Sector in the United States of America⁵⁰ was adopted in June 2010. The Honduran Migrant Protection Act⁵¹ was adopted in February 2014 and provides for the establishment of the National Council for the Protection of Honduran Migrants, which consists of State institutions and civil society organizations coordinated by the Ministry of Foreign Affairs and International Cooperation. It also establishes the Solidarity Fund for Honduran Migrants, which replaces the Solidarity Fund for Honduran Migrants in Vulnerable Situations, allocating it an operational budget of US\$ 5 million per year.

55. **Institutional strengthening.** In order to strengthen support for Honduran migrants, the Ministry of Foreign Affairs and International Cooperation set up the Office of the Deputy Minister for Consular and Migration Affairs and the General Directorate for the Protection of Honduran Migrants, which consists of two national offices, one for migrant protection and the other for assistance to returning migrants. The Consular Services and Consular Protection Regulation⁵² was adopted in June 2012, while a call centre was set up (+504 2236 0220) in February 2015 to provide guidance to Honduran migrants in the United States. To date, assistance has been provided on 34,784 occasions.

56. Work by women and children. Articles 127 to 134 of the Labour Code stipulate that persons under 16 and women may not, by law, perform tasks that are considered unhealthy or dangerous or do night work or overtime. The Ministry of Labour and Social Security has put in place the following tools to investigate violations of labour rights: an inspection manual, inspection protocols, a code of ethics, an electronic case system and fines.

Article 9

57. **Public policies.** The Comprehensive Policy on Harmonious Social Relations and Citizen Security 2011-2022 was adopted in 2011.⁵³ Pursuant to the policy, the Ministry of

⁵⁰ The Special Regime for the Legal Migration of Hondurans for Work in the Agricultural Sector in the United States of America was adopted pursuant to Decree No. 69-2010, published in Official Gazette No. 32,239 of 16 June 2010.

⁵¹ The Honduran Migrant Protection Act was adopted pursuant to Decree No. 106-2013, which was published in Official Gazette No. 33,356 of 15 February 2014.

⁵² The Consular Services and Consular Protection Regulation was adopted pursuant to Agreement No. 02-SG-SRE-2012, published in Official Gazette No. 32,859 of 29 June 2012.

⁵³ The Comprehensive Policy on Harmonious Social Relations and Citizen Security 2011-2022 was adopted under Executive Decree No. PCM-057-2011 of 1 October 2011 and No. PCM-016-2012 of 26 June 2012.

Security rolled out across seven municipalities the programmes “Safer Towns” and “Inter-Institutional Intervention in Towns with Higher Violence and Crime Rates”. The National Directorate for Social Intervention was established in 2014 pursuant to Decree No. PCM-56-2014.

58. **Legal provisions guaranteeing the freedom and security of the population.** The Act on the Seizure of Assets of Illicit Origin⁵⁴ was adopted in May 2010 and the Public Security Act⁵⁵ in June 2011. The latter provides for special temporary taxes, with the support of financially sound Honduran enterprises and the more affluent sectors of the population, to fund security efforts. Article 102 of the Constitution was amended in January 2012 to permit the extradition of Honduran nationals accused by other States of participating in organized crime.⁵⁶ Furthermore, the Special Police Purge Act was adopted in May 2012,⁵⁷ following the establishment in November 2011 of the Directorate for the Investigation and Assessment of the Police Force,⁵⁸ and the Act on the Reliability Assessment Authority was adopted in December 2013.⁵⁹ These pieces of legislation establish a framework for the dismissal of police officers and justice officials who suffer from psychological problems or addiction or who are guilty of corruption and accumulation of wealth by illegal means.

59. **Pretrial detention.** Under the Code of Criminal Procedure, pretrial detention is an exceptional measure applied to ensure that an accused is present in court. Article 178 provides for four situations in which pretrial detention may be ordered, while article 183 stipulates that pretrial detention cannot be ordered in the case of persons over 70, pregnant or breastfeeding women, persons with a terminal disease and persons to whom the *amparo* procedure applies under article 24 (1) of the Criminal Code. In 2013, the high violence and crime rates prevailing in the country forced the National Congress to amend article 184⁶⁰ of the Code of Criminal Procedure to enumerate 21 offences for which alternatives to pretrial detention may not be applied.

⁵⁴ The Act on the Seizure of Assets of Illicit Origin was adopted by the National Congress under Decree No. 27-2010 of 5 May 2010, which was published on 16 June 2010 in Official Gazette No. 32,239.

The Act has since been refined through amendments introduced in Decree No. 153-2010 of 9 September 2010, published in Official Gazette No. 32,357 of 4 November 2010; Decree No. 258-2011 of 14 December 2011, published in Official Gazette No. 32,792 of 10 April 2012; and Decree No. 51-2014 of 16 July 2014, published in Official Gazette No. 33,484 of 21 July 2014.

⁵⁵ The Public Security Act was adopted by the National Congress under Decrees No. 105-2011 and No. 166-2011 (amendment) of 24 June and 14 September 2011, which were published in Official Gazette No. 32,562 of 8 July 2011 and No. 32,634 of 1 October 2011. Its articles 7 and 9 (19) were interpreted in Decree No. 58-2012 of 25 April 2012, which was published in Official Gazette No. 32,832 of 29 May 2012. It has since been amended by Decree No. 275-2013 of 17 December 2013.

⁵⁶ Article 102 of the Constitution was amended by Decree No. 269-2011 of 19 January 2012, which was published in Official Gazette No. 32,769 of 24 January 2012. In accordance with the special procedure provided for in the Constitution, the amendment was adopted under Decree No. 2-2012 of 25 January 2012, which was published on 27 February 2012 in Official Gazette No. 32,758.

⁵⁷ The Special Police Purge Act was adopted under Decree No. 89-2012 of 24 May 2012, which was published on 25 May 2012 in Official Gazette No. 32,829.

⁵⁸ The Directorate for the Investigation and Assessment of the Police Force was established pursuant to the amendment of the Organic Act on the National Police through Decree No. 198-2011 of 4 November 2011, which was published in Official Gazette No. 32,666 of 11 November 2011. In order to expand the police reform, the Directorate’s powers were broadened under Decree No. 5-2012 of 31 January 2012, which was published in Official Gazette No. 32,753 of 21 February 2012.

⁵⁹ The Act on the Reliability Assessment Authority was adopted under Decree No. 254-2013 of 16 December 2013, which was published in Official Gazette No. 33,372 of 6 March 2014.

⁶⁰ Article 184 of the Code of Criminal Procedure was amended by Decree No. 56-2013, which was published in Official Gazette No. 33,372 of 6 March 2014.

60. **Measures to reduce the prison population.** In 2011, article 53 of the Criminal Code⁶¹ was amended to introduce the replacement of fines with community service. The new Pardons Act⁶² was adopted in 2013 and includes the granting of pardons on humanitarian grounds; between 2011 and 2013, 71 pardons were granted based on the former law. In 2013, the judiciary appointed 34 public defenders to provide free assistance during the stage of penal enforcement.

61. **Detention.** To ensure that detentions are carried out in accordance with article 9 of the Covenant, lawmakers have incorporated its provisions into article 282 of the Code of Criminal Procedure and article 27 of the Organic Act on the National Police. In addition, the Ministry of Security, the judiciary and the Public Prosecution Service follow a procedural guide that gives a detailed description of the various situations in which a person may be detained or arrested and of the methods to be used.

Article 10

62. **Legal framework for the protection of persons deprived of their liberty.** The National Prison System Act⁶³ was adopted in December 2012 and its general regulations⁶⁴ in March 2015. On the basis of a broad consultation process involving various actors of the prison sector, the National Prison Policy was drafted in March 2015 and is pending presidential approval.

63. **Overcrowding.** The total capacity of the country's 25 prisons and 4 pretrial detention centres is 10,403. As at June 2015,⁶⁵ there are 15,531 inmates, amounting to a national deficit of 5,128 places. Overcrowding results from the "self-rule" system, the fact that some categories of inmates cannot be placed with other prisoners and the lack of infrastructure, which means that distribution of space is uneven, so that, even in the most overcrowded facilities, there are areas in which some inmates enjoy better conditions.

64. **Construction and upgrade of prisons.** The new national prison of San Pedro Sula, in Acequia, Santa Bárbara Department, is 70 per cent complete and will have a capacity of 1,250. Construction has also begun on two new prisons in the municipality of Morocelí, El Paraíso Department, and in the municipality of Ilama, Santa Bárbara Department, each with a capacity of 1,500. On 12 February 2015, a new prison was inaugurated in the municipality of El Porvenir, Francisco Morazán Department, with a capacity of 2,000 (see annex VII).

65. In addition, in 2014, the establishment of four pretrial detention centres⁶⁶ was approved and, with funds from the Public Security Tax, upgrades were made to the prisons

⁶¹ Article 53 of the Criminal Code was amended by Decree No. 30-2011, which was published in Official Gazette No. 32,519 of 19 May 2011.

⁶² The Pardons Act was adopted pursuant to Legislative Decree No. 31-2013, which was published in Official Gazette No. 33,090 of 4 April 2013.

⁶³ The National Prison System Act was adopted pursuant to Decree No. 64-2012, which was published in Official Gazette No. 32,990 of 3 December 2012.

⁶⁴ The General Regulations of the National Prison System Act were adopted under Decision No. 322-2014, which was published in Official Gazette No. 33,680 of 12 March 2015.

⁶⁵ The prison population in recent years has been as follows: 11,699 in 2010; 11,882 in 2011; 11,770 in 2012; 13,425 in 2013; 14,120 in 2014; and 15,531 as at June 2015.

⁶⁶ Pursuant to item 3 of Decision No. 001-2014 of 7 April 2014 of the Board of the National Prison Institute, the establishment of four pretrial detention centres was approved in the following locations: in the Third Infantry Battalion in Naco, Cortés Department; and in the Cobra Special Operations Unit in the El Manchen neighbourhood, the First Infantry Battalion in Tapias, and the Second Airborne Infantry Battalion in Tamara, all in Central District, Francisco Morazán Department.

in Tela, Puerto Lempira and El Progreso. The facilities in Danlí, Choluteca and Nacaome are being refurbished.

66. **Self-rule.** Articles 50 and 79 of the National Prison System Act prohibit inmates from exacting fines, fees, payments for services, favours or advantages from each other, or making any other unlawful demands, or exploiting one another for labour or services. The general regulations expand on these provisions with various measures, including the elimination of privileges, the prohibition of trading by inmates, the establishment of non-profit commissaries under the management of the prison authority and the creation of associations of persons deprived of their liberty to run education, rehabilitation and social reintegration activities. In addition, highly dangerous persons have been transferred elsewhere and outgoing calls have been blocked through the installation of signal jammers around all premises.

67. **Non-lethal weapons.** Between 2010 and June 2015, the following non-lethal equipment was purchased: 900 pairs of handcuffs, 300 police shields, 250 wooden clubs, 100 batons, 300 helmets for riot control, 30 bulletproof vests, 150 wrist bracelets, 50 hand-held metal detectors, 3 detector scanners for geophysical surveys, 200 knee protectors and 200 elbow protectors for riot control, 15 pairs of binoculars, 15 night-vision goggles and 100 gas masks.

68. **Nutrition and health.** In 2013, the prison authority's food budget per inmate rose from 13 to 30 lempiras a day. An agreement was signed with the Honduran Red Cross in 2013 regarding the management of tuberculosis at Tamara National Prison and another in 2014 to improve the quality of and access to water and sanitation, as a fundamental right, in six prisons.

69. In order to improve health services, doctors and nurses were hired in January 2015 to work in prison clinics. Persons held in prisons without medical facilities are seen by doctors from the regional offices of the Ministry of Health, who come to the prisons two or three times per week.

70. **Establishment of technical committees.** In 2015, the National Prison Institute's administrative system was set up through the delineation of seven regions. The members of the Interdisciplinary Technical Committees have been appointed in five of the regions, with two remaining.

71. **Segregation of men and women.** As at June 2015, there are 659 female inmates, or 3.6 per cent of the prison population. With a few exceptions, the separation between women and men is fairly effective in most prisons, despite the fact that the only women's facility is the National Women's Prison for Social Adaptation located in Tamara, Central District. It does not have a significant overcrowding problem but does have issues with pretrial detainees, given that most of the women are from the interior of the country. The rest of the female inmates are held in mixed establishments in which a women's annex or ward has been set up, except at the prison in Juticalpa, Olancho, whose structure makes real segregation possible. Structural improvements are planned at the prisons of San Pedro Sula and El Progreso to better ensure separation.

72. **Segregation of adults and children.** This type of segregation is the most effective, because there are distinct judicial systems involved and centres for minors are run by the National Directorate for Children and the Family.

73. **Segregation of accused and convicted persons.** Owing to overcrowding and mostly old infrastructure, these two categories are not effectively segregated, except in Juticalpa Prison, which is a modern purpose-built structure.

74. **Fire at Comayagua Prison.** On 15 April 2013, the Office of the Special Prosecutor for Human Rights of the Public Prosecution Service submitted an application for

prosecution (case No. 208-4-2013) against the Prison's former director and three prison police officers on the charges of culpable homicide and violation of the duties of officials, as separate offences. Their detention was ordered at a preliminary hearing and upheld by the Appeal Court. The case is being prepared for public trial; hearing dates are pending. An agreement was signed in July 2015 on compensation for the relatives of the victims.⁶⁷

75. **Contingency plans in case of fire.** Contingency plans are being drawn up for each prison and will be submitted for approval to the Fire Department of Honduras. In the case of Comayagua Prison, according to the reports of the periodic inspections conducted by the Fire Department, standards have been fully met in the six blocks that burned down and were rebuilt, while electrical improvements are currently being made in the remaining four blocks.

Article 12

76. **Security of travellers.** The National Migration Institute is responsible for the effective management of migration. It regulates the flow of Honduran and foreign nationals into and out of the country, the stay of foreign nationals in the country and the issuance of travel documents. In 2014, the Biometric Migration Control System was put in place at the country's airports, including cutting-edge technology (fingerprinting and facial recognition) for the processing of information to guarantee national and passenger security. The System also monitors the exit of minors and can be accessed by security institutions.

Article 13

77. **Foreign nationals.** Between 2010 and June 2015, 3,794 foreign nationals were returned to their country of origin for failure to meet admission requirements and 21 people of various nationalities were expelled. The number of foreign nationals held in custody for irregular entry into the country was as follows: 545 in 2011; 1,638 in 2012; 99 in 2013; 5,844, including 5,427 Cuban nationals, in 2014; and 5,262, including 4,530 Cuban nationals, between January and 29 June 2015. Nationals of Cuba, African countries and Ecuador who are in transit are issued a certificate to leave the country within 72 hours. Others undergo biometric checks and, if they are not the subject of an alert, are issued the same certificate so that they may contact their consular representatives or continue their journey (see annex VI).

Article 14

78. **Judge appointment process.** Article 311 of the Constitution sets forth a transparent procedure for the appointment of judges to the Supreme Court. They are elected from a list of candidates put forward by a nominations committee made up of seven representatives of government institutions, academia and civil society. This mechanism ensures that judges are appointed on the basis of their abilities, aptitudes and morals. Independent applications are accepted.

⁶⁷ On 16 July 2015, a settlement agreement on recognition and financial and in-kind compensation was signed with the association "Together We Strive for the Well-Being of the Honduran Prison Population association", which represents the relatives of the victims of the fire at Comayagua Prison.

79. **Judicial independence.** In 2011, the National Congress set up the Council of the Judiciary and Judicial Staff⁶⁸ to be the body responsible for the organization, management and discipline of judicial staff. The purpose of the Council is to oversee the functional and administrative independence of judicial bodies and the impartiality of judges. That same year, the executive branch extended an invitation to the Special Rapporteur on the independence of judges and lawyers⁶⁹ to visit the country at her convenience.

80. **Article 332 of the Criminal Code.** The bill amending this article to bring it into line with the United Nations Convention against Transnational Organized Crime and the Protocols thereto is currently on its second reading. The bill adapts the definition of the offence to match the concept of “organized criminal group” set forth in article 2 of the Convention, providing for the possibility of granting privileges to convicts to encourage them to give useful assistance to the authorities.

81. **Investigation, punishment and compensation in cases of human rights violations and other abuses committed by the police.** Between 2010 and May 2015, there were 92 cases of abuse of authority, leading to 20 convictions; 32 cases of torture, resulting in 12 convictions; and 2 cases of ill-treatment, leading to 4 convictions. As at June 2015, the Counsel General’s Office has taken action in seven cases in which the victims of such offences received compensation.

Article 16

82. **Birth registration.** The State has systematically reduced the rate of unregistered births from 6 per cent in 2012 to 4.5 per cent in 2013-2014 and intends to further lower it to 3 per cent in 2015 through the following actions.

83. **Legal reforms.** Registration amnesties for the registration of births in 2012-2013 were approved in 2012 and the new regulations of the National Registration of Persons Act,⁷⁰ which introduced an official form for reporting and certifying births and vital statistics in all public and private hospitals; free civil registration and non-imposition of fines for late registration; the removal of the two-witness requirement for birth registrations; and, in border areas, a 90-day period in which to register a birth directly, without legalizing the documentation, when the birth took place in a neighbouring country.

84. **Expansion of coverage and the automated system.** As at June 2015, there are 340 offices nationwide, distributed as follows: 298 municipal civil register offices, of which 291 have automated registration procedures, including 74 that are online; 8 auxiliary civil register offices in border areas, areas that are difficult to reach and areas predominantly inhabited by indigenous peoples and Afro-Hondurans; 13 auxiliary civil register offices in public hospitals that have Internet access; and 21 departmental or sectional civil register offices.

85. **Institutional strengthening.** In order to run mobile units in rural areas and developing neighbourhoods and settlements, two vehicles equipped with desks, computers and electrical generators have been purchased, along with two boats for the area of La Mosquitia and the Gulf of Fonseca.

⁶⁸ The Council of the Judiciary and Judicial Staff Act establishing the Council was adopted under Decree No. 219-2011, published in Official Gazette No. 32,706 of 28 December 2011.

⁶⁹ In letter No. DSP-063/25/10/2011 of 25 October 2011, the former President, Mr. Porfirio Lobo Sosa, extended an invitation to Ms. Gabriela Knaul, Special Rapporteur on the independence of judges and lawyers.

⁷⁰ The Regulations of the National Registration of Persons Act were adopted under Agreement No. 055 E 2015, which was published in Official Gazette No. 33,727 of 12 May 2015.

86. **Treatment of migrant children.** Offices for the documenting of migrant children to be returned to their families have been set up in the Centres for the Care of Returned Migrants located at the airports of Villeda Morales, Cortés Department, and Palmerola in Comayagua, and in the El Edén Centre in San Pedro Sula.

87. **Mobile units.** Between 2010 and June 2015, units were set up in indigenous communities (Tolupan, Miskito, Pech and Lenca) and Afro-Honduran communities and registered 10,326 births. In 2015, two units operated at the National Women’s Prison for Social Adaptation.

88. **Birth registration in recovered areas.** Between 2010 and June 2015, 3,081 births were registered in the offices in Mesetas, Florida, Estancias, Nahuaterique and El Zancudo (areas recovered as a result of the decision in the border dispute between Honduras and El Salvador).

89. **Awareness-raising campaigns.** The following campaigns were carried out between 2010 and 2014: “Choose a Name for Your Baby Before it is Born”; “Register Your Baby so that it has a Name and Nationality”; “Proud of Your Baby? Give it a Name”; “Registering Your Child in the Civil Register Gives Him or Her the Right to a Name and a Nationality”; “Register Your Children”; “I Have the Right to Have Rights”; “Right to a Name and Nationality Festival: Register Them Now!”; “We Children with Disabilities Have the Right to a Name and Nationality”; and a regional campaign in Gracias a Dios Department, as part of a project on civil registration and identification, which included posters in the Miskito language. In addition, over 1,000 registration promoters were trained for the purpose of forming the Timely Registration Network, with the objective of involving communities and individuals in the timely registration of children.

Article 17

90. **Right to privacy.** In January 2013 the Congress amended article 182 of the Constitution to include the guarantee of *habeas data* as a mechanism for protecting private data and safeguarding the right to protect one’s honour, privacy and personal image.⁷¹ That same year saw the approval of an amendment to the Domestic Violence Act⁷² establishing the right of victims and their families to protection of their privacy, declaring domestic violence cases confidential and instructing the media to refrain from disclosing information related to such cases. A new version of the Criminal Code is being drafted in which defamation, injurious behaviour and slander will be decriminalized.

Article 18

91. **Internet access.** Since the reform of the Telecommunications Act,⁷³ the National Telecommunications Commission has been in a position to promote universal access, which includes providing Internet service in order to reduce the digital divide. This reform established the Telecommunications and Information Technology Investment Fund for financing connectivity- and applications-related projects. As at June 2015, the following connectivity projects are being implemented through the Fund: reactivation of the Aprende

⁷¹ Article 182 of the Constitution was amended by Decree No. 237-2012 of 23 January 2013 to include the guarantee of *habeas data*. The decision was ratified pursuant to Decree No. 10-2013 of 30 January 2013, published in Official Gazette No. 33,086 of 27 March 2013.

⁷² The Domestic Violence Act was amended by Decree No. 53-2013, published in the Official Gazette on 6 September 2013.

⁷³ The Telecommunications Act was amended by Legislative Decree No. 325-2013, published in Official Gazette No. 33,373 of 7 March 2014.

project network, Euro-Solar Villages, community centres, the Educatrachos education portal, People's Internet areas and National Institute for Vocational Training (INFOP) centres, which provide Internet service to 2,800 sites nationwide, including 2,580 public schools, 124 community centres, 100 public parks and 31 INFOP centres. In addition, under the People's Internet project, Wi-Fi zones have been created in 39 parks around the country. By October 2015, a total of 139 public parks will have Internet service.

Article 19

92. **Legislative measures.** In 2015 the National Congress adopted the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials,⁷⁴ which establishes a national system to protect human rights defenders, with its governing body attached to the Ministry of Human Rights, Justice, the Interior and Decentralization. As at August 2015, the following progress has been made in implementing the Act: the implementing regulations are being drafted; representatives of State institutions and civil-society organizations to the National Protection Council, a protective mechanism similar to that operating in Colombia, have been appointed; and the Ministry of Finance has allotted the Council an initial budget of 10 million lempiras.

93. **Protection measures.** The Human Rights Department of the Ministry of Security is the technical body legally mandated to implement the protection measures established by the governing body of the national system to protect human rights defenders. The Department has been working with beneficiaries to coordinate the provision of the following services: vehicle, motorcycle and foot patrols and a police liaison service that individuals can contact when they feel endangered and require an escort for a particular occasion.

94. **Preventive measures.** The Office of the Special Prosecutor for Human Rights has set up a unit for protecting human rights defenders. The unit's function is to hear all complaints in which the victim or complainant is a journalist, photographer, camera operator, justice official or human rights defender, and to provide support to persons entitled to protection measures. In cases of imminent danger, the necessary measures are taken to protect the person's physical, psychological and mental integrity, and such measures can also be applied to their immediate family. As at June 2015, 45 cases of harm inflicted on journalists and social communicators are pending, 28 of them are at the investigational stage and 17 at the prosecution stage. In 2013, the Office was allocated a budget of 12,621,271.95 lempiras, an amount that rose to 13,996,616.00 lempiras in 2014 and 2015.

95. **Use of nationwide simultaneous broadcasts.** Regulations 224 and 226 of the general regulations of the Telecommunications Act govern the use of simultaneous broadcasts, which may be requested by various branches of the Government and the Supreme Electoral Court strictly for reasons of public necessity, general interest or national security, or in anticipation of natural disasters or other catastrophes.

96. **Analog communication services.** In 2013, the National Telecommunications Commission decided to adopt the Integrated Services Digital Broadcasting standard and, in 2015, it adopted a national plan for moving from analog to digital television broadcasting

⁷⁴ The Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials was adopted under Legislative Decree No. 34-2015 on 16 April 2015 and published in Official Gazette No. 33,730 of 15 May 2015.

services with free-to-air signals, which includes the establishment of the basic conditions for providing digital terrestrial television broadcasting services.⁷⁵

97. **Inventory and mapping of frequencies.** The State maintains an updated inventory of radio frequency allocations (see annex XI).

98. **Institute on Access to Public Information.** Ten years of public-service experience are required to apply for the position of commissioner of the Institute on Access to Public Information, as commissioners should have sufficient knowledge of State institutions, their operations and administrative procedures. Under article 10 of the Act, the 10 years of service may be spent either in the public sector or in academia.

99. Between 2010 and 2015, the Institute laid the foundation for a culture of transparency and access to public information. Notable achievements include the establishment of the National Public Information System; the creation of a network of public information officers at 116 institutions subject to transparency requirements; and the establishment of new sector-specific guidelines for verifying transparency portals. During this period, 13,858 requests for information were registered;⁷⁶ the National Public Policy on Transparency and Access to Public Information⁷⁷ was adopted; and public hearings were held concerning institutions that were subject to transparency requirements and failed to comply with the law and concerning the handling of personal data by certain private firms.

Article 20

100. **Amendments to the Criminal Code to make hate crimes punishable.** In 2013, articles 27 and 321 of the Criminal Code were amended.⁷⁸ The following aggravating circumstance was added to article 27: “when the offence is committed with hatred or contempt by reason of the victim’s sex, ethnic origin or sexual orientation”. A new article 321-A makes incitement to hatred, discrimination or persecution a criminal offence, according to the criteria set out in article 321.

101. **Investigation and punishment.** Reports of acts against LGBTI persons are conducted by the National Criminal Investigation Directorate. The Office of the Special Prosecutor for Human Rights has a specialized unit for dealing with such cases. There is no

⁷⁵ Under Regulatory Decision No. NR016/13, published in Official Gazette No. 33,234 of 21 September 2013, the National Telecommunications Commission resolved, inter alia, to adopt the Integrated Services Digital Broadcasting standard. Regulatory Decision NR019/13 of 2 October 2013, published in Official Gazette No. 33,252 of 14 October 2013, as amended by regulatory decision NR002/15, published in Official Gazette No. 33,645 on 30 January 2015, contained approval of a “national plan for transition from analog to digital television broadcasting services with free-to-air signals, which includes the establishment of the basic conditions for providing digital terrestrial television broadcasting services ...”.

⁷⁶ During the period 2010-2014, through its network of officers, the Institute on Access to Public Information registered 13,858 information requests nationwide and 689 appeals, of which 421 were upheld, 62 dismissed, 49 found inadmissible and 9 deemed invalid because they had been submitted too late; 88 complaints of various types were handled, 29 requests for classification of information as restricted were declared groundless and 54 public hearings were held regarding institutions subject to transparency requirements that were not complying with the law.

⁷⁷ The National Public Policy on Transparency and Access to Public Information was approved under Act No. SO-018-2015 of the commissioners of the Institute on Access to Public Information sitting in plenary and submitted to the President of the Republic on 25 June 2015 by the coordinator of the Inter-Agency Committee to Support the National Public Policy on Transparency and Access to Public Information.

⁷⁸ Articles 27 and 321 of the Criminal Code were amended by Decree 23-2013, published in Official Gazette No. 33,092 of 6 April 2013.

specific procedure for handling such complaints, but when it can be determined that a hate crime is involved, or when the victim is in immediate danger, necessary measures are taken to protect the person's physical, psychological and mental integrity and the National Criminal Investigation Directorate is given instructions to that effect. Between 2010 and 2014, the Directorate received 198 allegations of discrimination and threats against LGBTI persons, of which 153 are being investigated, 14 have resulted in convictions and 8 in acquittals.

102. **Training.** The National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment has incorporated into its training recognition of the right to sexual diversity and the protection measures that should be accorded to LGBTI persons, recommending that they are held in safe places, out of contact with other inmates. The topic of respect for sexual diversity is also covered in training held by the Human Rights Department of the Ministry of Security, with support from various non-governmental organizations (NGOs).

Article 22

103. **Right of association.** In April 2011, the National Congress adopted the Special Act on the Promotion of Non-governmental Organizations for Development.⁷⁹ This legislation implements, for the first time, the right of association referred to in article 78 of the Constitution. It provides a secure legal basis for the work of non-profit organizations, associations and foundations and defines their rights and obligations. December 2013 saw the adoption of the Trusts and Community Associations Act,⁸⁰ which gives effect to the right of association at the departmental, municipal and district levels.

104. The NGO Registration and Monitoring Unit⁸¹ of the Ministry of Human Rights, Justice, the Interior and Decentralization maintains a register of NGOs, which may have legal personality granted or rescinded by the President or the Ministry. As at June 2015, there are 2,706 duly registered associations and 122 trusts.

Article 23

105. **Protecting families.** In February 2013, the National Congress adopted revised versions of the Code on Children and Adolescents, the Family Code, the Criminal Code and the Code of Criminal Procedure.⁸² As for family issues, the adoption process has been enhanced and the regime governing ownership of property by married couples has been improved by establishing mandatory provisions concerning assets. Family property values have increased and the alimony system has been enhanced. The Criminal Code has been amended to add the crimes of sexual harassment, identity fraud, fraudulent adoption and infringement of rights, among others. The Code of Criminal Procedure was also amended to make it possible for the public prosecutor to initiate proceedings in cases involving the

⁷⁹ The Special Act on the Promotion of Non-governmental Organizations (NGOs) for Development was approved under Legislative Decree No. 32-2011 of 5 April 2011, which was published in Official Gazette No. 32,552 of 27 June 2011.

⁸⁰ The Trusts and Community Associations Act was adopted on 16 December 2013 under Decree No. 253-2013, which was published in Official Gazette No. 33,351 of 10 February 2014.

⁸¹ The Unit was established pursuant to Executive Decree No. PCM-024-2002 of 5 November 2002, published in Official Gazette No. 30,180 of 4 September 2003, and its regulations were approved under Executive Agreement No. 770-A-2003.

⁸² The reform of legislation concerning children and the family was approved by the National Congress in Decree No. 35-2013 of 27 February 2013, published in Official Gazette No. 33,222 of 6 September 2013.

offence of refusal to maintain an elderly family member. The Responsible Parenting Act, passed in November 2013, establishes a mechanism for the immediate registration of newborns, along with the requirements and the special procedure for determining parenthood.⁸³

106. **Measures to promote marriage.** Since 2011, the mayors of the municipalities of the Central District and San Pedro Sula, among others, have been implementing the “Free Wedding” programme in August, the month in which marriage and the family are celebrated.⁸⁴ In 2014, the mayor of the Central District extended this benefit to the first fortnights of February and December.⁸⁵

Article 24

107. **Public policies benefiting children.** The Public Policy on Comprehensive Early Childhood Development⁸⁶ was adopted in 2012 and the System of Comprehensive Care for Early Childhood Parenting with Love⁸⁷ was adopted in 2015 to facilitate the implementation of the Policy. The National Policy on the Prevention of Violence against Children and Young People in Honduras was adopted in 2013.⁸⁸

108. **Office of the Children’s Advocate.** A draft law establishing such an office was submitted to the National Congress in August 2012 but was not passed. The Directorate for Children, Adolescents and the Family⁸⁹ was established in 2014 as a decentralized entity that, while attached to the Ministry of Development and Social Inclusion, was technically, functionally and administratively independent. It was initially allocated a budget of 20 million lempiras and its budgetary allocation for 2015 is 90 million lempiras. In addition, in accordance with article 166 of the general provisions of the national budget, this year 80 million lempiras will be allocated to the National Child Welfare Agency.

⁸³ The Responsible Parenting Act was adopted under Decree No. 92-2013, published in Official Gazette No. 33,273 of 8 November 2013.

⁸⁴ On 5 September 1991 the bishops of Honduras published a pastoral letter on the topic “Identity and mission of the family”, in which they proposed designating August as the month of marriage and the family across the country. On the basis of that letter, various activities and initiatives were undertaken, mainly within the Catholic Church. Hence this month is widely known and celebrated by the Catholic community as the month of marriage and the family.

⁸⁵ In Agreement No. 56 containing Act No. 178 of 8 October 2014, the municipal council approved the extension of the waiver of licence fees for marriages performed during the first fortnights of February and December.

⁸⁶ The Public Policy on Comprehensive Early Childhood Development is designed to provide the Government, as protector of children’s rights, with an instrument for guiding governmental and non-governmental organizations, private companies with social responsibility and other stakeholders in the coordinated implementation of strategies to foster the survival, development and protection of children from conception to the age of 6 years. The Policy is the product of consultation and consensus among various stakeholders, including children, which has made it possible to understand the situation and note the progress made on the gaps and constraints that Honduras faces in providing comprehensive early childhood care, and is grounded in the principles of the Convention on the Rights of the Child, which Honduras has ratified, making it a legally binding instrument that protects children’s best interests.

⁸⁷ The System of Comprehensive Care for Early Childhood Parenting with Love was approved under Decree No. PCM 20-2015, published in Official Gazette No. 33,764 of 24 June 2015.

⁸⁸ The National Policy on the Prevention of Violence against Children and Young People in Honduras was adopted under Executive Decree No. PCM 011-2013 of 12 February 2013.

⁸⁹ The Directorate for Children, Adolescents and the Family was established by Executive Decree No. PCM-27-2014 of 4 June 2014, published in Official Gazette No. 33,446 of 6 June 2014.

109. **Legislative framework for improving the quality of education.** In January 2012 the National Congress amended article 171 of the Constitution to redefine the duration and cycles of free and compulsory public education. The length of the period of instruction was set at one year for the preschool level, nine years for the primary level and two to three years, depending on the course of study, for the secondary level.⁹⁰ The Public Act on Education was enacted that same year⁹¹ and the Government enacted more than 20 regulations for its implementation between 2013 and 2014. The educational reform process has been buttressed by other legislation, including the Act on Strengthening Public Education and Community Participation, adopted in April 2011,⁹² and the Act on Educational Quality and Equity Assessment, Accreditation and Certification, adopted in December 2013.⁹³

110. **Achievements in improving the quality of education.** Achievements include the provision of at least 200 days of classes in the public education system (2013 and 2014); the administration of national achievement tests in Spanish and mathematics to students in grades 1 to 9 in two consecutive years (2012 and 2013); the launching of the first general teacher performance evaluation; and the reintroduction of a governance structure and the administrative reorganization of the public education system.

111. **Incentives for children to enrol in school.** The Youth Directorate has implemented a basic and secondary education scholarship programme for adolescents and young people; 4,358 scholarships were given out in the period 2011-2013.

112. The Directorate for Children, Adolescents and the Family has established 27 municipal boards dealing with the protection of children, adolescents and families. They include representatives of State institutions and civil society and implement local action plans and other initiatives fostering inclusive practices in schools and the eradication of child labour.

113. The Ministry of Education has expanded coverage to meet demand for schooling in communities outside the reach of the public education system; has strengthened the participation of community-level organizations through 2,793 community-based educational associations, thus enabling stakeholders to be involved in decisions about schooling, and 298 municipal committees for educational development, which are organized at the national level; guarantees access to free basic schooling; has handed out 80,528 laptops and tablet devices; has, via cooperation agreements,⁹⁴ provided bicycles, computers and scholarships for young people whose academic results average at least 91

⁹⁰ Article 171 of the Constitution was amended by Congressional Decree No. 273-2011 of 19 January 2012 to define the duration and cycles of free and compulsory education. It was ratified by Decree No. 233-2012 of 23 January 2013, published in Official Gazette No. 33,033 of 24 January 2013.

⁹¹ The Public Education Act was approved by the National Congress in Decree No. 262-2011 of 19 January 2012, published in Official Gazette No. 32,754 of 22 February 2012.

⁹² Act on Strengthening Public Education and Community Participation, Decree No. 352011 of 5 April 2011, published in Official Gazette No. 32,524 of 25 May 2011.

⁹³ Act on Educational Quality and Equity Assessment, Accreditation and Certification, passed by the National Congress in Decree No. 265-2013 of 16 December 2013.

⁹⁴ Agreements have been signed with the following organizations: through the Bicycles for Honduras foundation, Hondurans living abroad donate €30 or the equivalent in dollars or lempiras, so that a child can ride a bicycle to school. Under the Owen Project, 160 computers have been given to the municipalities of Siguatepeque, in Comayagua Department, and Oropolí, in El Paraíso Department. The agro-industrial firm Coapalma-Ecara has distributed 5,000-lempira scholarships to 15 young people whose academic results averaged at least 91 per cent. The Profuturo Foundation offers urban, peri-urban and rural public schools free access to the facilities of the Chiminike interactive teaching centre.

per cent; and gives public schools free access to the facilities of the Chiminike interactive teaching centre.

114. **Protecting migrant children.** In 2014, the situation of unaccompanied migrant children and family units was declared a humanitarian emergency⁹⁵ and a task force on migrant children was established under the coordination of the Directorate for Children, Adolescents and the Family and with the participation of all the relevant State institutions. Since the second half of 2014, a comprehensive system for protecting unaccompanied migrant children and their families has been implemented. Its achievements include the following:

- Reception centres for returning children and their families have been set up at Ramón Villeda Morales Airport, the Colonel Enrique Soto Cano Airbase and Toncontin International Airport in Tegucigalpa, and another is being set up in the municipality of Omoa in Cortés Department. In addition, the Directorate for Children, Adolescents and the Family runs the El Edén reception centre in San Pedro Sula, which shelters children temporarily during negotiations to reintegrate them with families and communities. In 2014, 10,880 children were repatriated by road and air and, as at 30 June 2015, 1,889 children have been accommodated.
- Two centres for returning adult migrants are located at Ramón Villeda Morales and Toncontín International airports.

115. **Child labour.** In 2010, the Government, employers, labour and civil society all took part in drawing up a strategic road map for making Honduras a country free of child labour, particularly its worst forms. In 2011, the road map was adopted as public policy⁹⁶ and the following actions were implemented:

(a) Under the coordination of the Ministry of Labour and Social Security, seven regional subcommittees have been set up, each with its own local plan for addressing the issue of child labour, ranging from preventive action to the rescuing of children from the worst forms of child labour;

(b) The Sustainability and Transfer Plan for Child Labour was prepared in 2013; awareness-raising and information campaigns held that year focused on hazardous child labour in the mining industry;

(c) The operating rules of the Bono 10,000 Presidential Programme on Health, Education and Nutrition were amended to include a specific goal on child labour;

(d) The Ministry of Education incorporated a child labour variable into the national basic education enrolment system to identify which schoolchildren work and where. A “civic Saturday” was established to promote the prevention and reduction of child labour through education and in 2014 the extended school day was instituted in 19,564 schools.⁹⁷

See the “Bright Futures” programme run by Visión Mundial in coordination with the Ministry of Labour and Social Security.

⁹⁵ Executive Decree No. PCM-33-2014 of 11 July 2014, published in Official Gazette No. 33,476 of 11 July 2014, declared the situation of unaccompanied migrant children and their families a humanitarian emergency.

⁹⁶ The public policy on child labour was approved under Executive Decree No. PCM-011-2011, published in Official Gazette No. 32,473 of 22 March 2011.

⁹⁷ In February 2014, under Ministerial Agreement No. 2664-DE-2013, the Ministry of Education established extended-day schooling at the 19,564 schools offering basic education (grades 1-9), with classes held Monday to Friday from 8 to 11.30 a.m. and 1 to 3 p.m., and Saturday from 8 to 10.30 a.m.

116. **Sanctions against employers.** Article 128 of the Code on Children and Adolescents states that the Ministry of Labour and Social Security will inspect businesses, schools, workplaces and homes (the latter with prior court authorization when they are used as workplaces) to determine whether child labour is being used and whether the applicable child protection standards are being met. Penalties range from 5 to 15 times the minimum wage. A repeat offence incurs a doubled fine if a child's life has been endangered or his or her dignity or physical, psychological or intellectual integrity infringed. In addition to the fine, civil and criminal penalties apply. The Ministry has 141 inspectors whose responsibilities include child labour cases and who are familiar with the issue. Between 2010 and June 2015, a total of 554 such inspections were conducted across the country.

117. **Street children.** The Directorate for Children, Adolescents and the Family has preliminarily identified family breakdown, poverty and child abuse as causes of the proliferation of street children. A rapid response team regularly visits police stations, public and private hospitals and various other central and regional establishments. Complaints are made by telephone and the rapid response team is sent to investigate. The hotlines (504) 2239-8029 and 8847-5282 are open 365 days a year, around the clock.

118. If a child or teenager lacks relatives who wish to care for him or her temporarily, more distant relatives or foster families who can care for the child are sought, placement in an institution being a last resort.

119. **Social rehabilitation.** The Directorate for Children, Adolescents and the Family has reopened carpentry and joinery schools at the Jalteba educational complex to train 45 juvenile offenders.

120. **Prevention of violence.** In 2014, the Directorate of Preventive Security was established within the Ministry of Security to develop a national violence prevention policy. The Cabinet for Violence Prevention⁹⁸ has been set up to coordinate actions in this area. It includes representatives of State institutions and civil society and has worked on various projects, including the following:

(a) Between 2014 and June 2015, the Prevention — Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) campaign distributed self-employment packs for a better life to 2,282 young people;

(b) Of 11 planned For My Neighbourhood outreach centres, 3 have already opened and 3 more should be ready before the end of the year, serving 23,880 young people;

(c) The Live Together (Convive) park-building programme receives 40 per cent of its funding from the private sector and 60 per cent from the State. A total of 20 parks are to be built across the country; as at June 2015, 4 have been built: 2 in the Municipality of the Central District and 2 in San Pedro Sula;

(d) The Gang Resistance Education and Training (GREAT) curriculum has been taught in schools by national police officials since 2012. As at June 2015, it has 109 trainers in six cities. The GREAT centre in the El Molinón district of Tegucigalpa is equipped with its own bus, motorcycles and squad cars. Between 2012 and June 2015, the centre trained 61,011 students. The Recreation Routes programme provides safe and free public spaces across the country on Sundays between 6 a.m. and noon;

(e) The Ministry of Defence has implemented the Guardians of the Nation programme for training at-risk young people in principles, values, religion, health and philosophy, among others. A total of 32,000 young people were trained in 2014 and a further 24,000 as at July 2015.

⁹⁸ The Cabinet for Violence Prevention was established by Executive Decree No. PCM-011-2011, published in Official Gazette No. 33,487 of 24 July 2014.

121. **National Prevention, Rehabilitation and Social Reintegration Programme.** The National Prevention, Rehabilitation and Social Reintegration Programme was established in 2001 as a decentralized entity associated with the Office of the President. It comprises three units: for prevention, rehabilitation and social reintegration. The prevention unit promotes the organization of community networks and methodologies, implementing programmes such as “The Challenge of Dreaming My Life”, which between 2014 and June 2015 benefited 3,391 young people, while the “Think Well” programme benefited 16,586, the Strong Families programme benefited 658 families and the “Breaking Barriers” programme helped more than 924 young people. The rehabilitation unit runs counselling, crisis intervention, group intervention and family therapy programmes. The social reintegration unit coordinates projects such as “A Clean Slate, a New Life” (Borrón y Vida Nueva), which involves the removal of tattoos linking them to gangs. As at June 2015, the programme has served 6,000 young people.

122. **Prevention programmes run by the Youth Directorate.** Programmes include the School Marching Bands Festival; the “My Images, My Words” art contest; Youth Cup inter-school sports tournaments; the Young Neighbourhood Initiative; “Yes, We Can” comprehensive youth training; the provision of guidance and skills training for employment; and the Youth Initiative. A total of 11,114 young people have participated in these programmes. Under the “Sharing Christmas” programme 2014-2015, 3,782 toys were handed out, while, under the Youth Gymnasiums and Community Cinemas project, five gyms and six movie theatres were built in at-risk neighbourhoods. Band instruments were presented to 122 schools; 22 schools received uniforms, balls and furniture; and the Municipal Youth Systems project was implemented in three municipalities.

123. **Training in children’s rights.** Between June 2014 and 15 July 2015, the Directorate for Children, Adolescents and the Family trained 810 staff members. The Judicial School trained 784 staff members between 2010 and 2015. Between 2011 and 2013, the Ministry of Human Rights, Justice, the Interior and Decentralization trained 134 staff members (see annex X). In addition, during the period 2012-2015, the Youth Directorate trained 11,950 students under the Teen Pregnancy Prevention Programme and gave classes in wellness and pregnancy prevention to a further 1,502 young people under the “I Learn, I Think, I Decide” programme.

Article 25

124. **Legislative measures taken to increase women’s participation in all areas of public life.** In 2012 the Elections and Political Organizations Act was amended to introduce quotas for the participation of female candidates; the quota was initially 40 per cent, for the 2012-2013 elections, and was subsequently raised to 50 per cent for the 2016-2017 primary and general elections.⁹⁹ The quota for women’s occupation of leadership positions in political parties and of the alternation mechanism has not yet been fully implemented; only the National Party has updated its statutes. The regulations on applying the parity principle and the mechanism for alternating women’s and men’s political participation in electoral processes are under discussion. In 2013, 10 per cent of the State’s annual contribution to political parties’ campaign funds went on training women and promoting their political participation. In 2014 and 2015, however, that was not possible, owing to a lack of financial resources.

⁹⁹ The 50 per cent quota for female candidates was established by the National Congress through Legislative Decree No. 54-2012, published in Official Gazette No. 32,820 of 15 May 2012, which amended the Elections and Political Organizations Act, with amendments to article 105 and the addition of article 105-A.

125. **Training.** The Supreme Electoral Court has implemented the Children's and Young People's Right to Speak and Vote project, requiring that lists of candidates should be made up of equal numbers of girls and boys, following the alternation mechanism. More than 1,700,000 students vote at 17,000 polling stations around the country.

Article 26

126. **Anti-discrimination measures.** In 2013 Honduras ratified the UNESCO Convention against Discrimination in Education.¹⁰⁰ In February 2013, the definition of discrimination was brought into line with international standards through the incorporation into article 321 of the Criminal Code of discrimination on the basis of sexual orientation, gender identity or membership of an indigenous or Afro-Honduran community;¹⁰¹ and the National Commission against Racial Discrimination is being set up, supported and coordinated by the Ministry of Human Rights, Justice, the Interior and Decentralization, with the participation of all the indigenous and Afro-Honduran peoples.

Article 27

127. **Establishment of special bodies to protect indigenous and Afro-Honduran peoples.** The former ministry of indigenous and Afro-Honduran peoples was established in 2010,¹⁰² subsequently, in 2014, becoming a Directorate attached to the Ministry of Development and Social Inclusion. In order to deal with land-related claims in an integrated way, the National Agrarian Institute in 2010 established a division for issues concerning indigenous and Afro-Honduran peoples.¹⁰³ The Directorate-General for Multilingual Intercultural Education in the Ministry of Education began operating in 2013.¹⁰⁴ The Political Agenda of Indigenous and Afro-Honduran Women was implemented and a policy on the integrated development of indigenous and Afro-Honduran peoples without racism or racial discrimination for the period 2016-2022 is being drafted.

128. **The right to one's own culture.** Various measures have been implemented, including recognition and appreciation of the linguistic diversity, multiculturalism and interculturalism of Honduran society;¹⁰⁵ bilingual intercultural education in 916 schools,

¹⁰⁰ The Convention against Discrimination in Education was approved by the National Congress through Decree No. 40-2013 of 21 March 2013, published in Official Gazette No 33,144 of 7 June 2013. The instrument of ratification was deposited with UNESCO on 5 September 2013.

¹⁰¹ Article 321 of the Criminal Code was amended by Decree No. 23-2013, published in Official Gazette No. 33,092 of 6 April 2013.

¹⁰² The former ministry of indigenous and Afro-Honduran peoples was established by Legislative Decree No. 203-2010, published in the Official Gazette of 12 November 2010.

¹⁰³ Under Executive Decision No. 001-2010, published in Official Gazette No. 32,292 of 17 August 2010, the National Agrarian Institute established a division to deal with issues concerning indigenous and Afro-Honduran peoples whose main tasks include processing titles to land owned by indigenous and Afro-Honduran peoples.

¹⁰⁴ The Directorate-General of Multilingual Intercultural Education of the Ministry of Education was established by Executive Decree No. PCM 024-2009, but only began operating in 2013. It groups existing initiatives and administrative structures that, in the case of some communities, date from the 1990s.

¹⁰⁵ The linguistic diversity, multiculturalism and interculturalism of Honduran society was recognized and valued through ratification of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and by Presidential Agreement No. 07-19, Executive Decrees No. 93-97 and No. PCM-M-024-2009, Executive Decision No. PCM-M-026-2011, the Public Act on Education and Ministerial Decision No. 1965-SE-14.

462 of which teach mother tongues as a subject;¹⁰⁶ development of teaching materials; training of 2,578 teachers through a special programme, with 550 young people currently being trained; provision of scholarships for indigenous and Afro-Honduran students at the preschool, primary, intermediate and secondary levels; declaration of the year 2011 as the International Year of Afro-Hondurans; holding of the First World Summit of Afro-Hondurans from 18 to 21 August 2011 in the city of La Ceiba, with the overarching theme “Comprehensive sustainable development with identity”; and authorization in 2013 of the use of traditional dress as a uniform in elementary, intermediate and high schools.

129. **Consultation and free, prior and informed consent.** The NGO Muskitia Asla-Takanka (MASTA) has drawn up the Biocultural Protocol of the Miskito Indigenous People, following consultation and free, prior and informed consent. This was taken over by the Ministry of Energy, Natural Resources, the Environment and Mines, with a view to facilitating the approval of environmental licensing for oil exploration in the Miskito territory; and, to strengthen the implementation of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), a technical working group coordinated by the Ministry of Labour and Social Security was set up on 25 May 2015 to consult with the various stakeholders and monitor the implementation of the Convention.

130. **Mass media for social and community purposes.** In 2013, the National Telecommunications Commission adopted a special regime for community outreach media services, including dedicated radio and television services, whose operating frequency is 88-108 MHz. As of June 2015, there are 18 licensed FM radio stations, 4 for social and 14 for community purposes. The Miskito people alone have been assigned five of these frequencies. There are also three licensed television channels, of which one is social and two community-based (one for the Garifuna people and the other for the Miskito). In addition, there are 35 licensed national subscription-based audiovisual channels (see annex X).

131. **Social protection.** The Public Housing and Solidarity Credit Programme initiated the building of 73 houses for as many families in Tolupan village in Yoro Department. The Inter-Agency Commission on Dive Fishing, established pursuant to Decree No. 003-2012, in June 2015 reported the successful preparation of a Miskito-language training manual on safe spearfishing, comprehensive supervision in port and at sea and the granting of certification to 45 trainers. In addition, 10 boats were given to the families of injured divers and a trust fund with funding of 1 million lempira was established. During the period 2010-2015, the Ministry of Development and Social Inclusion provided all indigenous and Afro-Honduran children with book bags and school kits, distributing a total of 109,540 items.

132. **Investment and development.** Between 2010 and 2013, the Programme for the Comprehensive Development of Indigenous Peoples, through the Honduran Social Investment Fund, invested in projects on food security, basic social infrastructure and business development that benefited 37,551 indigenous and Afro-Honduran families. Three investment projects overseen by the Ministry for Indigenous and Afro-Honduran Peoples benefited 11,000 and trained 660 leaders and 170 workers in the intercultural bilingual education sector. In 2011, in connection with the Bahía de Tela tourism project, 630 members of Afro-Honduran communities were trained to provide tourism services. In 2013, a craft market was built in La Esperanza, in Intibucá Department, to develop the so-called Lenca Route.

¹⁰⁶ Bilingual intercultural education was implemented in 916 schools, 462 of which teach mother tongues as a subject, pursuant to Ministry of Education Circulars No. 002-SE-2013 of 7 January 2013, No. 0062-SE-2013 of 9 May 2013 and No. 0097-SE-2015 of 11 June 2015.