
CHAPTER V

FOLLOW-UP ON RECOMMENDATIONS MADE BY THE IACHR IN ITS COUNTRY AND THEMATIC REPORTS

FOLLOW UP ON RECOMMENDATIONS ISSUED BY THE IACHR IN THE REPORT ON THE SITUATION OF HUMAN RIGHTS IN HONDURAS

I. INTRODUCTION

1. This purpose of this chapter is to follow up on the recommendations issued in the report “Situation of Human Rights in Honduras,” approved by the Inter-American Commission on Human Rights (hereinafter, “the Commission,” “the Inter-American Commission” and “the IACHR”), on December 31, 2015, in keeping with Article 59.9 of its Rules of Procedure. Pursuant to said provision, the Commission shall follow up on measures adopted to comply with the recommendations issued in its country or thematic reports.

2. The report on the situation of human rights in Honduras was the result of the findings and information obtained prior to, during and following the on-site visit conducted to Honduras from December 1 to December 5, 2014; the ex officio investigations conducted on its own initiative; information provided by the State (hereinafter, “Honduras” or “State”); input from different mechanisms through which the IACHR has been monitoring the situation in the country; media reports; decisions and recommendations of specialized international agencies; among others.¹

3. In a communication dated February 17, 2016, the IACHR requested the State of Honduras to submit information on compliance with the recommendations issued in the country report within a period of six months. On August 17, 2016, the State submitted its report on compliance with the recommendations. Additionally, in a press release of August 15, 2016, the IACHR invited civil society organizations to submit any information they deemed pertinent regarding compliance with the recommendations in their respective area of expertise for analysis on compliance with the recommendations set forth in the 2015 country report on Honduras.

4. On December 19th 2016, the IACHR forwarded to the State a copy of the draft preliminary report, which is part of Chapter V of its 2016 Annual Report, in keeping with its Rules of Procedure and requested it to submit its response. On January 19th 2017, the IACHR received the observations of the State, which were incorporated, as deemed pertinent, into the final version approved by the Commission on March 15, 2017.

5. The instant follow-up report is divided into 10 sections, which focus on the measures taken by the State to follow up on the Commission’s recommendations. The structure of this report mirrors the Commission’s report issuing the recommendations. Each section begins by restating the recommendation issued by the IACHR in the respective chapters, followed by an analysis of major progress and challenges identified by the IACHR in the respective chapters, based on information submitted by the State and civil society organizations, as well as information gathered by the Commission in monitoring the general situation of human rights in the country. For this purpose, the Commission has used information from the State submitted at public hearings, ex officio investigations, input from the mechanisms of petitions and cases, precautionary measures and requests for information under the power established in Article 41 of the

¹ As provided by Article 59.5 of the IACHR Rules of Procedure.

American Convention on Human Rights; as well as information available from other public sources and decisions and recommendations of specialized international bodies, among other sources. In the last section, the IACHR issues its conclusions.

6. The IACHR reiterates how important it is for the State of Honduras to fully comply with the recommendations issued in the Commission's report.

II. FOLLOW UP ON RECOMMENDATIONS

1. Citizen security

Recommendations from the Report:

- Take comprehensive steps to ensure citizen security, particularly as regards the murder rate; this will require the adoption of urgent measures to attack the structural causes of that violence and of impunity, and to protect the population from those situations. It is vital that the State of Honduras undertake, on an urgent basis, investigations to clear up the deaths of campesinos, people deprived of freedom, human rights defenders, journalists and media workers, women, children and adolescents, and LGBT people, and to prosecute and punish the persons guilty of those offenses.
- Increase and intensify the training for the public servants responsible for law and order on protecting and respecting human rights.
- Retire the Armed Forces gradually from law enforcement activities. On the meantime, the Military Police must be regulated by strict criteria related to transparency of information to the citizens. In this regard, an effective judicial and institutional supervision on the lawfulness of their actions is essential. Also, any human rights violation perpetrated in this context by this group should be duly investigated and prosecuted.
- Strengthen the capacity of police on law enforcement activities according to the international human rights standards.
- Guarantee the conditions so that defenders of human rights can freely pursue their activities, and refrain from taking any actions or adopting any legislation that could restrict or hinder their work.
- Implement the actions necessary to make the protection system operational, in consultation with the beneficiaries and those other people who are at risk. That will require adequate numbers of trained personnel to deal with protection requests, assess the level of risk, adopt and enforce protective measures, and to monitor those measures that are already in force.
- Ensure due control and oversight of private security companies in Honduras.
- Review the legislation on the use and possession of firearms in order to regulate their sale and licensing.
- Increase and improve the human and material resources assigned to the prompt, diligent, and impartial investigation of killings of defenders, indigenous peoples and Afro-descendants, union leaders, children and adolescents, journalists and media workers, women, LGBT people, and apply the corresponding criminal sanctions, in order to avoid impunity and the repetition of similar incidents.
- Ensure public involvement in the design and implementation of public policies in the area of human rights and those related to corruption and impunity. This includes the adoption of measures to increase transparency in public spending and to enforce accountability among all government agencies.
- Provide the CONADEH with the resources and conditions needed for it to operate with independence and effectiveness.

7. In its 2015 Report on the Situation of Human Rights in Honduras, the IACHR noted that violence and insecurity in Honduras are serious problems faced by society, which have major repercussions on the effective enjoyment and exercise of human rights in the country. The homicide rate in Honduras is one

of the highest in the region. According to official figures from the Police Statistics System (SEPOL), the homicide rate in 2015 stood at 5,148 homicides, which translates into a rate of 60.02 homicides per 100,000 populations. This represents a decrease of 788 cases, as compared to 2014, when the rate was 69.86.²

8. For its part, the Observatory on Violence of the National Autonomous University of Honduras (UNAH) reported in 2015 a total of 8,035 deaths from external causes, which also represents a 7.8% drop in comparison with 2014.³ Homicides constitute the main cause of death from external causes accounting for 64.1% of the total number of deaths reported (5,148). Additionally, in 75.1% of all cases of homicides, a firearm was used as the instrument to kill the victim.⁴

9. Thus far for 2016, according to the Police Statistics System (SEPOL), the nationwide homicide rate stands at 3,425 homicides for January 1 to August 31, 2016. This figure represents a slight drop, in comparison to the first half of 2015, when 3,582 homicides were reported.⁵ The IACHR takes note of these statistics, which evince a downward trend and hopes that this trend continues, but stresses the importance of stepping up efforts to combat the causes of violence.

10. In the 2015 Country Report, the IACHR noted that the high levels of violence and the State's lack of results in combatting violence have had a prejudicial effect, particularly, on persons affected by poverty, historical discrimination and social exclusion. By way of examples, the IACHR cited how violence against children is on the rise in the country, making this population more vulnerable. Additionally, the situation of violence against professionals of the law in the country has worsened. In early 2015, Honduran attorneys reported that they had received death threats on a daily basis. In January 2015, fifteen legal professionals were murdered, allegedly as a result of practicing their profession.⁶ According to the National Human Rights Commissioner (CONADEH), between 2010 and August 2016, a total of 115 attorneys were reported murdered in Honduras.⁷ Thus far in 2016, ten legal professionals were murdered, of which 9 of the victims were killed with a firearm.⁸

11. The IACHR asserted in its Report that the high incidence of violence in Honduras, along with a perception of insecurity among the population, led to widespread possession and carrying of firearms, with an estimated 800,000 to 1,000,000 firearms circulating throughout the country, which is protected by the law on the subject matter currently in force. In this regard, the Commission noted that the Law on the Control of Firearms, Ammunition, Explosives and other Related Materials, which allows every person to apply for one or several licenses in order to possess and carry firearms and register up to five firearms, must be revised in order to regulate the sale and licensing of use and carry.

² Secretariat of Security, Department of Statistics SEPOL, [Histórico de Tasa Anual de Homicidios por cada 100.000 habitantes por año](#) [Historical Annual Homicide Rate per 100,000 population].

³ Observatory on Violence, [Boletín Enero-Diciembre 2015](#), [Bulletin January-December 2015]. Issue No. 40, February 2016.

⁴ Observatory on Violence, [Boletín Enero-Diciembre 2015](#), [Bulletin January-December 2015]. Issue No. 40, February 2016.

⁵ Secretariat of Security, Department of Statistics SEPOL, [Situación Comparativa de Homicidios a Nivel Nacional \(Datos Preliminares\)](#), [Comparative situation of homicides nationwide (preliminary data)], consulted on September 9.

⁶ La Prensa, 2015. Asesinan a abogado a pocas cuadras del parque de San Pedro Sula [Attorney murdered a few blocks from park in San Pedro Sula], March 14, 2015. Available at: <http://www.laprensa.hn/sucesos/822362-410/asesinan-a-abogado-a-pocas-cuadras-del-parque-de-san-pedro-sula>

⁷ 43 legal professionals die in Francisco Morazán; 40 in Cortés; 7 in Atlántida; 6 in Yoro; 3 in Copán; 2 in Comayagua; 1 in Choluteca; 1 in El Paraíso; 1 in Lempira; 1 in Santa Bárbara and 1 in Islas de la Bahía. CONADEH, [CONADEH/CAH: Definen estrategias para combatir la impunidad y evitar nuevas tragedias contra abogados](#), [Strategy defined to combat impunity and prevent further tragedies against attorneys], September 6, 2016.

⁸ According to CONADEH, the reasons why legal professionals meet violent deaths remain unknown, because of a failure to investigate these cases. According to a CONADEH press release, staff at the Bar Association [College of Attorneys] receives an average of two requests per day from attorneys seeking protection to safeguard their physical integrity and lives. CONADEH, [CONADEH/CAH: Definen estrategias para combatir la impunidad y evitar nuevas tragedias contra abogados](#), [Strategies defined to combat impunity and prevent further tragedies against attorneys], September 6, 2016.

12. On this topic, the State of Honduras reported that the National Congress is currently drafting its Opinion on the Draft Decree for the new Law on Firearms, Ammunition and Explosives and Related Materials.⁹ The State noted that this draft law sets forth a proposal to establish a “system of traceability with respect to the possession of arms required by the profile of conduct of the authorized bearer, controlling the use and sale of ammunition caliber from public entities and setting up systems of verification and control to detect and seize arms of illegal provenance.”¹⁰ Additionally, in order to ensure proper firearms control and oversight, the State reported that the Secretariat of Security is developing the process of firearms registration and control by improving and strengthening the national ballistics register and opening regional registers in the zones of Atlantica, Occidente and Sur Oriental. In addition, an arms marking protocol is being drafted in order to introduce standardization throughout all regions.¹¹ The State also noted ratification by Congress of the “Treaty on the Trade of Weapons” on November 18, 2015.¹²

13. In its Country Report, the IACHR emphasized that the Army was actively participating in citizen security duties throughout the country through the creation of specialized bodies, such as a “military police,” even though international standards dictate that public security must be the exclusive province of human-rights abiding, civilian police forces.¹³ Furthermore, it noted that a group of judges and prosecutors with nationwide jurisdiction, who were selected by the National Security Council, accompany this Military Police to ensure that its actions are in keeping with the law. This situation has led to the creation, in point of fact, of a proceeding with characteristics resembling a special jurisdiction for members of the military police.¹⁴

14. Likewise, the IACHR has noted that the Armed Forces also are involved in civics and education for children “at social risk” through the program “Guardians of the Fatherland.” The Commission voiced its concern over the risks involved in training children and youth from 5 to 23 years of age at military facilities, and using public squares, parks and soccer fields taken over by the military for these purposes. The Commission further asserted that the Army also performs duties in the prison system and is dispatched to perform public security duties in areas where there is agrarian and land conflicts, such as Bajo Aguán. The military has continued its presence in the area of Bajo Aguán throughout 2016.

15. The IACHR takes note that in its concluding observations on the second periodic report of Honduras, the United Nations Committee against Torture expressed concern to the effect that, while the Army was authorized to perform police duties “on a temporary basis” and “in situations of emergency,” the effect of said Decree Law has been extended and the powers of the armed forces expanded through subsequent amendments to the Organic Law of the National Police. In the view of the Committee, other causes of concern were: the proliferation of new security forces and agencies, privatization of public security tasks and alleged abuses perpetrated by employees of private security companies. The Committee also made reference to “information providing accounts of numerous reports of human rights violations, including acts of torture, committed by members of the armed forces in performance of policing functions.”¹⁵

⁹ Government of the Republic of Honduras, Report on the Status of compliance with the recommendations issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016.

¹⁰ Government of the Republic of Honduras, Report on the Status of compliance with the recommendations issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016, p. 8, para. 18.

¹¹ Government of the Republic of Honduras, Report on the Status of compliance with the recommendations issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016, para. 17.

¹² Under Legislative Decree No. 140-2015 dated November 18, 2015 and approved under Executive Decision No. 24-DGTC of July 6, 2014. According to the State, the purpose of signing this Treaty is to have a legally binding instrument in effect to make the legal conventional arms trade more responsible in setting common international standards on the import, export and transfer of firearms. Government of the Republic of Honduras, Report on the Status of Compliance with the recommendations issued in the Report Situation of Human Rights in Honduras, IACHR, August 17, 2016.

¹³ IACHR, Situation of Human Rights in Honduras. OEA/Ser.L/V/II, Doc. 42, December 31, 2015.

¹⁴ The President of the Supreme Court, the Attorney General, the cabinet Secretary of Security, and the cabinet Secretary of National Defense sit as members of the National Security Council and the President of the Republic presides over it.

¹⁵ United Nations, Concluding observations on the second periodic report of Honduras, CAT/C/HND/CO2, August 26, 2016.

16. The Committee recommended that the State ensure that all cases and reports of human rights violations and abuses, including those relating to torture and mistreatment, be promptly, effectively and impartially investigated and that the perpetrators be tried and convicted in accordance with the seriousness of their acts. Additionally, the Committee recommended that the State uphold its public commitment to begin the process of withdrawal of the armed forces from their support to law enforcement bodies during the last quarter of 2016.¹⁶

17. On this score, the Honduran State reported that as a consequence of the process of restructuring and vetting of the operators of justice and of the National Police force, the Honduran Armed Forces have been assigned to duties of public security as an exceptional and temporary measure, as provided for under the Constitution.¹⁷ It further noted that the necessary measures have been taken to ensure that the members of the Armed Forces who perform these duties are properly instructed on substantive topics of security and their obligations in the area of respect for human rights and the protection thereof. The State asserted that from 2015 to 2016, a total of 16,842 members of the Armed Forces have been trained on subjects of human rights and the use of force, including 2,600 members of the Military Police.¹⁸ It also reported that in the event of a human rights violation, it assures that oversight function will be exercised under the principle of legality.¹⁹

18. In its concluding observations on the second periodic report of Honduras, the United Nations Committee against Torture expressed its concern over reports it had received reflecting an increase in the number of complaints for excessive use of force by members of the Armed Forces and National Police.²⁰ The Committee also voiced regret at the lack of availability of information regarding the respective investigations.²¹

19. In this regard, the State reported that it is engaged in the process of dissemination of the draft Law on the Use of Force, with the advisory support of the International Committee of the Red Cross (ICRC). According to the State, Honduras will become one of the first countries in the region to have a legal instrument of this type in place. The IACHR regrets that no copy of this document was made available to it in order to examine the scope and content thereof.

20. The State further indicated that in 2016, a total of 5,381 members of the Armed Forces and 10,854 members of the National Police were instructed on human rights and prevention of torture and cruel, inhuman and degrading treatment.²² Additionally, in order to build the capacity of the Police, the State noted that the Academic Curricula of the Police Technological Institute, the School of Criminal Investigation, the National Police Academy, and the School of Non-Commissioned Officers, are including in all training, as well

¹⁶ United Nations, concluding observations on the second periodic report of Honduras, CAT/C/HND/CO2, August 26, 2016.

¹⁷ Government of the Republic of Honduras, Report on the Status of compliance with the recommendations issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016.

¹⁸ In particular, it noted that Armed Forces Human Rights curricula is being implemented in coordination with the Secretariat of Human Rights and Justice. Additionally, with technical assistance from the United Nations Development Program (UNDP) and the ICRC, the first printing of the basic primer on Human Rights Procedures for the Military Police, including the subject of use of force. Government of the Republic of Honduras, Report on the Status of compliance with the recommendations issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016, par. 21.

¹⁹ Government of the Republic of Honduras, Report on the Status of compliance with the recommendations issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016.

²⁰ United Nations, Concluding observations on the second periodic report of Honduras, CAT/C/HND/CO2, August 26, 2016.

²¹ United Nations, Concluding observations on the second periodic report of Honduras, CAT/C/HND/CO2, August 26, 2016.

²² Government of the Republic of Honduras, Report on the Status of compliance with the recommendations issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016.

as in workshops, the subject of human rights from both a theoretical and practical perspective, cutting across all courses.²³

21. As for the National Police, in its country report, the IACHR noted citizens' distrust toward this law enforcement body, because of its failure to respond and complaints of corruption and alleged collusion of some of its members with organized crime.²⁴ On April 7, 2016, Congress approved Decree No. 21-2016, under which a "situation of emergency for reasons of national security and public interest [and] a process of vetting of the National Police for a period of twelve months" was declared.²⁵ One of the goals being pursued through the vetting of the Police force is that "the State's organs of security should become guarantors of the rights and freedoms of Hondurans and the urgency for the National Police to begin the process of recovering trust and credibility in it, as the institution responsible for providing security to the population." According to the State, the main objective is to provide security to the population, as well as to contribute to lower rates of impunity.²⁶

22. For this purpose, a Special Commission for the Process of Restructuring and Vetting of the National Police (Vetting Commission) was created, made up of the Minister of Security, who is the chairman, and persons of "recognized honorableness."²⁷ The duties of the Vetting Commission include: determining suitability for service such as the trust, capacity, ability, skill, competence, willingness and loyalty that all members of the police career must have; implementing a mechanism of monitoring and oversight of the proceedings of the members of the National Police whose employment was rescinded; and forwarding to the Ministry of Public Prosecution (MP) and to the Superior Court of Audits (TSC) the case files of persons removed from employment for the alleged commission of an offense, and then reporting on a quarterly basis to the National Congress on progress in the vetting process.²⁸

23. In its comments on the draft version of this report, the State indicated that by the end of 2016 the Vetting Commission evaluated a total of 4,934 public officials divided on the following way: 9 Generals; 47 Commissioners; 108 Subcommissioners; 108 Commisaries; 154 Subcommisaries; 241 Inspectors; 497 Subinspectors, 215 Sub Officials; 3,337 Basic Scale y 218 Auxiliary. The State indicated that the information of the personnel evaluated is divided as follows: 2,327 incorporated, 1,949 canceled because of restructurating, 207 canceled by just cause, 27 canceled por availability, 15 suspended, 387 voluntarily retired, 11 with total and permanent disability and 11 under evaluation.²⁹

²³ Government of the Republic of Honduras, Report on the Status of compliance with the recommendations issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016.

²⁴ IACHR, Situation of Human Rights in Honduras. OEA/Ser.L/V/II, Doc. 42, December 31, 2015.

²⁵ Published in the Official Gazette of the Republic of Honduras, La Gaceta, April 8, 2016 No. 34,003.

²⁶ Government of the Republic of Honduras, Report on the Status of compliance with the recommendations issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016.

²⁷ The Special Commission was made up of Vilma Morales, Omar Rivera and Alberto Solórzano.

²⁸ The State reported that the process of vetting allows for members of the National Police to defend themselves at a hearing after being notified of the charges or complaints attributing liability to them for events, actions or omissions constituting valid reason for the application of disciplinary measures, or the punishment of dismissal under the rules of the right to defense. Government of the Republic of Honduras, Report on the Status of compliance with the recommendations issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016.

²⁹ Communication from the State of Honduras, Response of the Honduran State to the draft of Chapter V of the 2016 Annual Report on the Follow Up to the Report "Situation of Human rights in Honduras", 19 January 2017. In the context of its investigations, the Vetting Commission drew up a list of findings in August 2016, which included the following: 1) no evaluation had ever been conducted ranging from the most senior ranking officers on down chain of command; 2) a high number of officers who were vetted in prior processes, were subsequently reinstated, some of whom were recently extradited; 3) hierarchical rank was not respected, skipping over graduating classes and ranks; 4) the amendments to the 2012 Organic Law of the National Police represented step backwards: for example, in the past, defendants could be removed by the courts for 6 months and now the time period is indefinitely until the trial is over; 5) slow processes of investigation and prosecution in the Police Department, the Secretariat, the Ministry of Public Prosecution and the Superior Court of Audits; 6) officers linked to criminal structures, gangs, organized crime; 7) widespread corruption, impunity, negligence, intolerance. Special Commission for the Process of Vetting and Transformation of the National Police, [Comunicado No. 21](#), [Release No. 21], August 17, 2016.

24. The Vetting Commission approved a new structure of the National Police,³⁰ issued suggestions about the expert opinions on the new Organic Law of the National Police and laid out the profile that new police officers must have.³¹ The Vetting Commission aims to increase the ranks of the police from 156 officers per 100,000 population in 2016 to 276 police officers per 100,000 population by 2022.³² It also raised the need to implement a process similar to the police vetting process in the agencies of the justice sector; it clearly saw that no judicial career had been formally established; and it raised the need to put a special legal framework in place governing disciplinary and administrative rules for the police forces and auxiliary staff and to institutionalize complaint-filing mechanisms.³³

25. The IACHR notes that, concurrent to the process of police vetting, an article appeared in the New York Times on April 15, 2016, revealing names and events relating to murders allegedly committed by the police in Honduras.³⁴ The investigation claimed that the reports of the Office of the Inspector General of the Honduran Police Department, to which the New York Times had access, implicated in acts of corruption directors general of the police who worked for the Atlantic drug cartel along with other officers of varying ranks. According to The New York Times, several police generals organized, carried out and covered up the murder of General Julián Arístides Gonzáles, the country's anti-drug Czar, on December 8, 2009, and of Alfredo Landaverde, the head of the Office for the Combatting Drug Trafficking in Honduras, who was killed on December 7, 2011.³⁵ On September 13, 2016, the Vetting Commission issued a release in the national and international press that 53 individuals were being investigated for the alleged murders of Arístides González and Alfredo Landaverde.³⁶

26. Additionally, in August 2016, the Vetting Commission announced the hand over of 20 case files to the Ministry of Public Prosecution potentially implicating high ranking police officials in alleged crimes such as abuse of authority, malfeasance in public office, coercion, illegal detention, forgery of documents, fraud, among other criminal offenses.³⁷ The IACHR does not have information regarding the investigations opened into these charges.

³⁰ This structure establishes more functional and specific positions with a pre-set profile or description of each position; strategic and auxiliary levels are added directly below the structure of the Police; the Preventive Police becomes the National Office of Prevention and Community Security and the Traffic Police becomes the National Office of Roadways and Transportation, both for the purpose of changing the approach to the process of training new police members; the Office of Protection and Special Services is created to provide a better coordinated and specialized response to dignitary protection, persons protected under precautionary measures and other groups with special protection needs. Special Commission for the Process of Vetting and Transformation of the National Police, [Comunicado No. 21](#), [Release No. 21], August 17, 2016.

³¹ The Vetting Commission noted that new hires must, at the very least, have a middle school education and one year of training. Special Commission for the Process of Vetting and Transformation of the National Police, [Comunicado No. 21](#), August 17, 2016.

³² Special Commission for the Process of Vetting and Transformation of the National Police, [Comunicado No. 21](#), [Release No. 21], August 17, 2016.

³³ Special Commission for the Process of Vetting and Transformation of the National Police, [Comunicado No. 21](#), [Release No. 21], August 17, 2016.

³⁴ New York Times. [Un informe revela nombres y hechos relacionados con asesinatos cometidos por la policía en Honduras](#), [Files suggest Honduran Police Leaders Ordered Killing of Antidrug Officials], April 15, 2016.

³⁵ New York Times. [Un informe revela nombres y hechos relacionados con asesinatos cometidos por la policía en Honduras](#), [Files suggest Honduran Police Leaders Ordered Killing of Antidrug Officials], April 15, 2016.

³⁶ The Vetting Commission noted that 8 of those names appeared twice. Of the total of 45 names, it was established that 2 were citizens, who did not belong to the National Police; 7 officers and policemen were dismissed; a decision was made to request the Secretary of Security to dismiss 17 officers and policemen; 9 officers had previously been removed from the Police Force prior to the start of the Vetting Commission's activities; 7 officers are currently incapacitated and 3 officers were reinstated into active service. Special Commission for the Process of Vetting and Transformation of the National Police, Release No. 24, September 13, 2016. Also see, [Comunicado No. 3](#), April 18, 2016.

³⁷ In the Release, it was also noted that through the mechanisms established in the Platform "Honduras Denuncia" – e-mail, web site, hotline, in person and the "Dilo Aquí" application [Say it Here], 107 citizen complaints were handed over to the Public Prosecutor against public officials and police members for the alleged commission of several crimes such as: embezzlement of public funds, fraud, money laundering, illegal enrichment, organized crime, drug trafficking, murder for pay, illegal association, kidnapping, extortion, weapons trafficking, abuse of authority, cattle rustling, murder, homicide, theft, breach of duty in office, ties to criminals, among others. The Special Commission asserted that this is the result of a thorough review of case files, of analysis and assessment of the reports requested from different entities of the State and of the complaints received from citizens. Special Commission for the Process of

27. Furthermore, with regard to citizen participation in the implementation of Human Rights Public Policy, the State of Honduras reported that, since 2015, a mechanism has been in the process of construction, with the technical support and assistance of UNDP, for the engagement of civil society and the State, through a sustained process of design of this space by human rights organizations at the national level. It also reported that a social auditing strategy is being finalized in order to follow up on the National Human Rights Action Plan.³⁸

28. With regards to the situation of human rights defenders, during 2016, the IACHR has continued to receive information about the persistence of and increase in threats; harassment; violence, including killings; and alleged incidents of criminalization of community leaders and human rights defenders in Honduras.³⁹ It has also continued to receive information about the challenges and risks that judicial operators face in the performance of their duties. The persistence of these attacks, coupled with the lack of substantive progress in terms of the clarification, investigation, and punishment of those responsible for human rights violations perpetrated against defenders, remain an obstacle to the free exercise of the right to protect human rights, fuel impunity, and prevent the rule of law and democracy from being fully realized.

29. At the Hearing on “Situation of Justice and Human Rights Defenders in Honduras” held on December 1, 2016, participating civil society organizations indicated that there are still large numbers of killings, with almost total impunity; that the State improperly criminalizes defenders’ activities by bringing criminal charges against them; and that high-level authorities constantly make statements defaming the work of human rights defenders, particularly those who advocate on environmental issues. The organizations expressed concern regarding several articles in a new draft of the Criminal Code under debate in Congress, like sedition. The State affirmed that it is State policy to respect human rights and it is not its policy to criminalize the work of human rights defenders. It noted that a section on human rights defenders was created within the Public Prosecutor’s Office. As to the draft Criminal Code, it indicated that the general part of the bill has been approved and that the specific section is still under debate and there is still time to incorporate civil society’s recommendations.⁴⁰ Regarding its observation on the draft of the present report, the State indicated that the applicant organizations indicated at that Hearing that a group of civil society organizations were received by the Legislative Management of the National Congress through the Secretariat of Human Rights, Governance and Decentralization. The State also referred to the acknowledgment of the work of human rights defenders by the President of Republic, which was transmitted at said Hearing and which the IACHR salutes:

The protection of human rights must be part of the Honduran people. We have been promoting an agenda in this area and we will continue to do so by also recognizing the role that human rights defenders play in this construction. Apart from the fact that we are sometimes in a debate that is often permanent on one topic or another, that fact unite us and we recognize its presence and its participation in the fight for the protection of human rights⁴¹.

Vetting and Transformation of the National Police, Release No 22, August 24, 2016. Available at: <http://www.seguridad.gob.hn/img/CEDTPN/2016/agosto/24-08-2016/comunicado22/comunicado22.pdf>

³⁸ Government of the Republic of Honduras, Report on the status of compliance with the recommendations issued in the report Situation of Human Rights in Honduras, IACHR, August 17, 2016.

³⁹ IACHR, Public Hearing, 159 Ordinary Period of Sessions, “[Situación de la justicia y las personas defensoras de derechos humanos en Honduras](#)” [Justice Situation and Human Rights Defenders in Honduras], December 1, 2016.

⁴⁰ IACHR, Public Hearing, 159 Ordinary Sessions, “[Situación de la justicia y las personas defensoras de derechos humanos en Honduras](#)” [Justice Situation and Human Rights Defenders in Honduras], December 1 2016.

⁴¹ IACHR, Public Hearing, 159 Ordinary Sessions, “[Situación de la justicia y las personas defensoras de derechos humanos en Honduras](#)” [Justice Situation and Human Rights Defenders in Honduras], December 1, 2016. Communication from the State of Honduras, Response of the Honduran State to the draft of Chapter V of the 2016 Annual Report on the Follow Up to the Report “Situation of Human rights in Honduras”, January 19, 2017.

30. The IACHR reiterates that all organs of the State must publicly recognize that the exercise of the protection and promotion of human rights is a legitimate action and that, on exercising these actions, human rights defenders are not working against state institutions, but rather, to the contrary, are contributing to the strengthening of the rule of law and the expansion of all persons' rights and guarantees. All state authorities and officials at the local level should be aware of the principles regarding the activities of human rights defenders and their protection, as well as the guidelines applicable to the observance of those principles.

31. In a press release dated February 23, 2016, the IACHR, its Special Rapporteurship for Freedom of Expression and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Honduras expressed concern over the adopted reforms in the Honduran penal code, which they indicated may lead to a negative impact in the legitimate exercise and enjoyment of the guarantees and fundamental rights, the protection and promotion of freedom of expression in the country. The press release details that on February 21, 2017, the Congress of Honduras adopted a reform over article 335 of the penal code, which typifies the criminal offence of terrorism; on February 22, in the same law, it was added and approved article 335 B which typified the criminal offence of apology and incitation of terrorism acts, oriented towards punishing "those who publicly or through means of communication or diffusion for the public makes apology, exaltation or justification of the criminal offence of terrorism or of those who took part in its execution, or incite another or others to committing or financing terrorism will be sanctioned with imprisonment from four to eight years".⁴²

32. In the press release, the IACHR, the Special Rapporteurship for Freedom of Expression and the OHCHR in Honduras took with concern the ambiguity of the offenses as defined in the adopted reform, since they facilitate broad interpretations which can lead to sanctions over conducts which do not correspond to the seriousness and nature of the criminal offence of terrorism. The adoption of too broad definitions of terrorism may bring deliberate distortions of the term, which can be used in order to sanction reinvidications and social movements or the work of human rights defenders.⁴³ The IACHR will continue to monitor this issue.

33. Throughout 2016, the IACHR was informed of at least eight killings of human rights defenders between January and August 19, 2016.⁴⁴ This already represents an increase over 2015, in which civil society organizations reported seven killings of human rights defenders.⁴⁵ The IACHR has publicly condemned these killings, as well as separately condemned those of human rights defenders who had been beneficiaries of IACHR precautionary measures, such as renowned human rights defender Berta Cáceres⁴⁶, the General Coordinator of the Civic Council of Popular and Indigenous Organizations (Consejo Cívico de

⁴² Joint Press Release R18/17 - [Joint Press Release, the Inter-American Commission on Human Rights, its Special Rapporteurship for Freedom of Expression and the Office of the United Nations High Commissioner for Human Rights in Honduras express concern over adopted reforms in the Honduran penal code, retrogressive for human rights and freedom of expression](#), February 23, 2017.

⁴³ Joint Press Release R18/17 - [Joint Press Release, the Inter-American Commission on Human Rights, its Special Rapporteurship for Freedom of Expression and the Office of the United Nations High Commissioner for Human Rights in Honduras express concern over adopted reforms in the Honduran penal code, retrogressive for human rights and freedom of expression](#), February 23, 2017. In this regard, on February 3, 2017, the IACHR sent to the Honduran State a request for information pursuant to Article 41 of the American Convention on a package of reforms sent by the Executive Branch to Congress that included some of the issues addressed in the aforementioned press release. After an extension request, the Honduran State presented its response on February 24, 2017.

⁴⁴ See IACHR, Press Release No. 118/2016, [Honduras, one of the most dangerous countries for human rights defenders- Experts Warn](#), August 19, 2016 (joint statement by UN Special Rapporteur on human rights defenders, Michel Forst, and IACHR Rapporteur on Human Rights Defenders, José de Jesús Orozco Henríquez).

⁴⁵ Front Line Defenders, [Annual Report 2016: Stop the Killing of Human Rights Defenders](#), January 14, 2016 (citing the reports it received from Honduran civil society organizations). Front Line Defenders found that Latin America was the deadliest region, with 87 killings reported. Honduras has the fourth highest toll in the region (following Colombia, Brazil, and Mexico). See also, OHCHR, [Preliminary Observations on the official visit to Honduras by the Special Rapporteur on extrajudicial, summary or arbitrary executions](#), 23 to 27 May 2016.

⁴⁶ Berta Cáceres was an indigenous Lenca woman who led campaigns against megaprojects in order to defend the territory and rights of the Lenca people.

Organizaciones Populares e Indígenas) of Honduras or “COPINH,” by its initials in Spanish) on March 3, 2016⁴⁷; and that of Nelson Noé García, also a leader and member of COPINH, on March 15, 2016, just two weeks after Berta Cáceres⁴⁸; and that of Santos Matute, indigenous leader and member of the Movimiento Amplio por la Dignidad y la Justicia (MADJ) on February 21, 2016⁴⁹.

34. With regard to the killing of Berta Cáceres, the Commission has closely monitored the investigation through its various mechanisms. For example, within the framework of the granted precautionary measure in effect for Berta Cáceres’ family members, members of COPINH, and Gustavo Castro, the IACHR held a working meeting with the parties during its 157 Period of Sessions in April 2016. The family of Berta Cáceres asked the IACHR to appoint an interdisciplinary group of independent experts to assist in the investigation into her killing. The Inter-American Commission expressed to the State of Honduras that it was willing to appoint a group of this nature.⁵⁰ On June 2, 2016, during a visit to Honduras to disseminate the IACHR’s report on the *Criminalization of the Work of Human Rights Defenders* (2015), Commissioner José de Jesús Orozco Henríquez, Rapporteur on the Rights of Human Rights Defenders, met with the family members of Berta Cáceres and their representatives, and held a meeting with civil society organizations in which he was informed of their concerns regarding the ongoing investigative and judicial process, among other information.

35. According to an open letter dated April 13, 2016 and addressed to OAS Secretary General Luis Almagro, a coalition of 19 civil society organizations that work to defend human rights in Honduras asserted that there had been serious gaps and inconsistencies in the investigation thus far, despite the efforts taken by Berta Cáceres’ family and COPINH to seek an “independent and professional” investigation.⁵¹ The international community has strongly criticized the State’s lack of action, resulting in a very slow investigation, as well as its “deep failures” in the investigative processes carried out thus far, including not having followed “the most basic lines of investigation,” such as the threats⁵² that Berta Cáceres received in the months prior to her killing⁵³.

36. The Commission received information that, on May 2, 2016, four men were arrested in connection with the killing of Berta Cáceres: two of these persons are connected with the DESA, the Honduran company that was building the Agua Zarca dam that she and her colleagues at COPINH strongly opposed. The other two men, according to the Honduran press, are Mariano Díaz Chávez and Edison Atilio Duarte Meza, a

⁴⁷ IACHR, Press Release No. 24/2016, [IACHR Condemns the Killing of Berta Cáceres in Honduras](#), March 4, 2016; IACHR, Amplification of Precautionary Measure No. 196-09, Edran Amado López, Bertha Cáceres and César Ham, June 29, 2009 (this precautionary measure was lifted on July 31, 2013).

⁴⁸ IACHR, Press Release No. 39/2016, [IACHR Deplores Killing of Nelson Noé García in Honduras](#), March 21, 2016; IACHR, Precautionary Measure 112/16, [Members of COPINH, Berta Cáceres’ relatives and others, Honduras](#), March 5, 2016.

⁴⁹ IACHR, Press Release No. 28/2016, [IACHR Condemns Killing of Members of the Tolupán Indigenous Peoples in Honduras](#), March 7, 2016; IACHR, Precautionary Measure No. 416-13, [Matter regarding 18 members of Movimiento Amplio por la Dignidad y la Justicia and their families, Honduras](#), December 19, 2013.

⁵⁰ IACHR, Press Release No. 49/2016, [IACHR Wraps Up its 157th Session](#), April 15, 2016.

⁵¹ See [Open Letter to the Secretary General of the OAS, Luis Almagro](#) (Spanish only), April 13, 2016, p. 1.

⁵² According to Front Line Defenders, she had received 33 known threats for carrying out her work. Front Line Defenders, [Case History: Berta Cáceres](#) (last accessed October 4, 2016).

⁵³ See, Victoria Aguilar, [ONU critica lenta investigacion en muerte de Berta Cáceres](#) (Spanish only), El Tiempo, August 12, 2016 (citing criticisms of the UN Committee against Torture on the lack of information provided by Honduras regarding implications of official involvement in the killing of Berta Cáceres as well as the Committee’s disappointment over not having received information on the criminal processes against the authors of the crime); United Nations Office of the High Commissioner on Human Rights (OHCHR), [Honduras Murders: United Nations Expert urges independent investigation into Killings of Rights Defenders](#), April 22, 2016; OHCHR, [Berta Cáceres’ murder: UN experts renew call to Honduras to end impunity](#), April 11, 2016 (in which eight human rights experts participated, and reiterated their call for a “fully independent, impartial, transparent investigation of Berta Cáceres assassination” and manifested their support for the request made by the relatives of the victim “that a group of experts be established under the authority of the IACHR”). See also, e.g., Front Line Defenders, [One Month After Berta’s Killing, Her Fight Continues](#), April 3, 2016; Amnesty International, [Deep failures in investigation into Honduras activist’s killing put many at risk](#), March 9, 2016.

former military officer and an active member of the armed forces, respectively.⁵⁴ The Commission notes, however, that the family of Berta Cáceres has also publicly denounced the lack of access to information regarding the investigative process and, concretely, lack of access to the investigation file. In an open letter issued on May 2, 2016, they expressed their concerns regarding the investigation:

Since the beginning we were excluded from the investigation process, so we cannot say whether the recent arrests are the result of a complete and adequate investigation, nor do we know if among the people arrested there are also the intellectual authors of the crime (...) We are disappointed, because we were not involved at all in the investigation conducted by the Public Prosecutor. They did not listen to our voices.⁵⁵

37. The Commission is concerned over the incident regarding the theft of the investigation file on Berta Cáceres' case, which reportedly occurred during the last week of September 2016.⁵⁶ In its comments on the draft version on this report, the State informed that they had an authenticated copy of the case file which was used to continue with the corresponding procedure⁵⁷. The Commission also notes the public reaction from Berta Cáceres' family, which was communicated by their legal representative, in calling for an end to the "absurd" secrecy surrounding the file, especially for the family members, given that the file is now in the hands of third parties.⁵⁸ The Commission encourages the State to immediately provide the family members and their representatives with access to the case file and all pertinent information about the investigation.

38. In the hearing "Justice Situation and Human Rights Defenders in Honduras" that took place in Panama on December 1 2016, the participating organizations indicated that despite 9 months had elapsed, there were no advances in the investigation into the murder of Berta Cáceres.⁵⁹ In its compliance report to the IACHR, the State did not inform on the status of its investigation into the killing of Berta Cáceres. In this regard, the Commission manifests its concern over the status of this investigation, and others regarding violations committed against human rights defenders.

39. During 2016, the IACHR also continued to receive information regarding the pattern of violence against LGBT defenders in Honduras⁶⁰, and the IACHR reiterates its concern about the aggressions allegedly committed by State agents.⁶¹ On June 3, 2016, Commissioner José de Jesús Orozco Henríquez met with defenders and civil society organizations from Honduras, including LGBT human rights defenders. In

⁵⁴ Front Line Defenders, [Case History: Berta Cáceres](#) (last accessed October 4, 2016); see also, La Prensa, Capturan a hondureños supuestamente vinculados al asesinato de Berta Cáceres (Spanish only), May 2, 2016 (containing an image of a press release emitted by the Honduran public prosecutor's office regarding the arrests).

⁵⁵ Front Line Defenders, [Case History: Berta Cáceres](#) (last accessed October 4, 2016). *See also, e.g.*, Criterio, [Familia exige una respuesta inmediata sobre caso de Berta Cáceres Flores](#) (Spanish only), April 29, 2016.

⁵⁶ The judge presiding over the case reported that, as she left late from work on the evening of September 27, 2016, her car was stolen from her. The case file was inside. *See e.g.*, La Prensa, [En carro robado a magistrada de Corte iba expediente del caso de Berta Cáceres](#) (Spanish only), September 29, 2016.

⁵⁷ Communication from the State of Honduras, Response of the Honduran State to the draft of Chapter V of the 2016 Annual Report on the Follow Up to the Report "Situation of Human rights in Honduras", January 19, 2017.

⁵⁸ Criterio, [Familia de Berta Cáceres pide al Ministerio Público que rompa la secretividad](#) (Spanish only), October 4, 2016.

⁵⁹ IACHR, Public Hearing, 159 Ordinary Period of Sessions, "[Situación de la justicia y las personas defensoras de derechos humanos en Honduras](#)" [Justice Situation and Human Rights Defenders in Honduras, December 1, 2016.

⁶⁰ *See, e.g.*, Front Line Defenders, Honduras – Attempted killing of LGBTI rights defenders Juan José Zambrano and Jlo Córdoba amidst escalating violence against LGBTI rights defenders in Honduras, April 5, 2016.

⁶¹ IACHR, Press Release No. 78/2016, [IACHR Condemns Killing of LGBT Human Rights Defender in Honduras](#), June 15, 2016; IACHR, Press Release No. 27/2016, [IACHR Condemns Killings and Other Acts of Violence against Human Rights Defenders of LGBT Persons in Honduras](#), March 7, 2016.

that meeting, the participants spoke to him about the obstacles LGBT persons face in gaining access to justice for different reasons, including discrimination on the part of the authorities based on sexual orientation and gender identity, as well as the stigmatization and criminalization of those who defend the human rights of LGBT persons.

40. Further, with regard to women defenders, the Commission continued to observe that they face additional discrimination and stigmatization for their work, often experiencing particular forms of attacks: for instance, the Commission has received information about attacks against women defenders while pregnant. As a result of some of these attacks, several women said that they had miscarried.⁶²

41. The State has informed the Commission, however, of the educational work of the National Human Rights Commission (CONADEH, by its initials in Spanish), which constitutes part of its efforts to guarantee the necessary conditions so that human rights defenders can freely pursue their activities. According to the State, in 2015, CONADEH conducted 1,016 educational events in order to train attendees on general human rights concepts as well as specific topics linked to vulnerable populations. These trainings were attended by 35,785 persons (14,234 women and 21,549 men) and were principally geared towards networks and groups of women, local authorities, national and municipal police, public servants, employees of hospitals and health centers, justice operators, human rights defenders and networks of defenders, and the populace in general.⁶³

42. Additionally and regarding the training of public officials, the IACHR takes note of information provided by the State that, between 2014 and 2016, the Public Prosecutor's Office has conducted various courses at the graduate (diploma) or specialization in human rights level, to the benefit of more than 300 public servants including prosecutors, judges and public defenders.⁶⁴ One such course is a Diploma program on criminal investigation, analysis of forensic evidence, and human rights violations, and, according to the State, it is the only one of its kind being offered in Central America.⁶⁵ In 2015, the State informed that within the office of the Special Prosecutor for Human Rights, six assistant prosecutors (*agentes de tribunales*) graduated as Specialists in International Human Rights Law with 190 instruction hours and two prosecutors passed a course on Pedagogical Training in International Human Rights with 180 instruction hours.⁶⁶

Protection Mechanism

43. In its 2015 Report, the IACHR highlighted the efforts made by the State to protect human rights defenders, operators of justice and journalists, among others, in the context of the situation of widespread violence that has affected the country over the past years and that has had a particular bearing on the performance of the duties of these groups. Particularly, the Commission took note of steps aimed at modernizing the protection program, enactment of a specific law regulating the procedures and powers of the protection mechanism,⁶⁷ initiatives to create regulations to the protection law, several human rights trainings

⁶² Amnesty International, "[We are Defending the Land with Our Blood](#)" *Defenders of the Land, Territory and Environment in Honduras and Guatemala*, AMR/01/4562/2016, September 1, 2016, p. 30.

⁶³ Republic of Honduras. *Report on the Status of Compliance with the Recommendations Emitted in the Report on the Human Rights Situation of Honduras of the IACHR*, received August 17, 2016, para. 25.

⁶⁴ Republic of Honduras. *Report on the Status of Compliance with the Recommendations Emitted in the Report on the Human Rights Situation of Honduras of the IACHR*, received August 17, 2016, paras. 28.

⁶⁵ Republic of Honduras. *Report on the Status of Compliance with the Recommendations Emitted in the Report on the Human Rights Situation of Honduras of the IACHR*, received August 17, 2016, paras. 28.

⁶⁶ Republic of Honduras. *Report on the Status of Compliance with the Recommendations Emitted in the Report on the Human Rights Situation of Honduras of the IACHR*, received August 17, 2016, para. 28.

⁶⁷ National Congress of Honduras. Decree No. 34-2015. Law Protecting Human Rights Defenders, Journalists, Social Communicators and Operators of Justice.

for public officials, among other actions that show the willingness of the State to protect persons devoted to the defense or promotion of human rights and the exercise of freedom of expression and journalism.⁶⁸

44. The law provided the creation of the “National Council for the Protection of Human Rights Defenders”⁶⁹ which is consultative, deliberative and the advisory body of the system whose powers are reflected in the article 24 of the Law. In addition, it created the General Directorate of the Protection System which is part of the structure of the Secretariat of State in the Offices of Human Rights, Justice, Governance and Decentralization, constituting the executive body of the National System of Protection of Human Rights Defenders⁷⁰. Among its attributions are: receive the requests of protection and process them: elaborate the operation protocols required for the effective application of the Law; as well as request and follow the provisional measures of the Interamerican Court of Human Rights, precautionary measures of the Interamerican Court of Human Rights and the correspondent security measures decreed by the courts of the State. The Law also contemplates the creation of Technical Protection Mechanism Committee in charge of carrying out the opinions of risk analysis, deliberation and decision on the protection requests presented to the General Directorate⁷¹.

45. One year after issuing the Country Report and after the murder of respected rights defenders, including Berta Cáceres⁷² and Kevin Ferrera,⁷³ the Inter-American Commission on Human Rights finds that there is still a high degree of distrust in the legitimacy, effectiveness and operability of the protection mechanism,⁷⁴ reflecting the fact that serious acts of violence have continued to be perpetrated against beneficiaries of the protection mechanism over the course of 2016 and have been cause for concern internationally. Even though both the United Nations System and the Inter-American Commission have recognized progress,⁷⁵ which ranges from putting a specific legal framework into place to implementing certain physical protection measures, the steps that have been taken are still inadequate for human rights defenders and journalists, among others, to be able to perform their jobs in safe conditions in Honduras, regarded as “one of the most dangerous countries for human rights defenders.”⁷⁶

46. The State announced on June 6, 2016, that the Regulation of the “Law Protecting Human Rights Defenders, Journalists, Social Communicators and Operators of Justice” was approved, in order to

⁶⁸ IACHR, [“Informe de país: Situación de derechos humanos en Honduras”](#), Country Report: Situation of Human Rights in Honduras, December 31, 2015.

⁶⁹ National Congress of Honduras. Decree No. 34-2015. Law Protecting Human Rights Defenders, Journalists, Social Communicators and Operators of Justice, article 20.

⁷⁰ National Congress of Honduras. Decree No. 34-2015. Law Protecting Human Rights Defenders, Journalists, Social Communicators and Operators of Justice, article 28.

⁷¹ National Congress of Honduras. Decree No. 34-2015. Law Protecting Human Rights Defenders, Journalists, Social Communicators and Operators of Justice, article 31.

⁷² IACHR, Press Release: IACHR condemns killing of Berta Cáceres in Honduras [“CIDH repudia asesinato de Berta Cáceres en Honduras”](#), March 4, 2016.

⁷³ Joint IACHR-UN Press Release, Press Release: Honduras, one of the most dangerous countries for human rights defenders, experts warn [“Honduras, uno de los países más peligrosos para los defensores de derechos humanos – Advierten expertos”](#), August 19, 2016.

⁷⁴ Press article and reports: Periódico Paso del Animal Grande, [“32 periodistas y 6 defensores de derechos humanos se han acogido al mecanismo de protección según informe”](#), [‘32 journalists and 6 human rights defenders have sought relief under the protection mechanism according to report’] July 27, 2016; La Prensa, [“Crímenes sin castigo en Honduras”](#), [Unpunished crimes in Honduras] April 2, 2016; Amnesty International, [“Honduras/Guatemala: Ataques en aumento en los países más mortíferos del mundo para los activistas ambientales”](#), [‘Honduras/Guatemala: Attacks on the rise in most deadly country in the world for environmental activists’] September 1, 2016; among other ones.

⁷⁵ Joint IACHR-UN release, Press Release: [“Honduras, uno de los países más peligrosos para los defensores de derechos humanos – Advierten expertos”](#), Honduras, one of the most dangerous countries for human rights defenders, experts warn, August 19, 2016.

⁷⁶ Joint IACHR-UN release, Press Release: [“Honduras, uno de los países más peligrosos para los defensores de derechos humanos – Advierten expertos”](#), Honduras, one of the most dangerous countries for human rights defenders, experts warn, August 19, 2016.

effectively implement the protection law in Honduras. According to the information received, in the process of drafting the regulations, several recommendations made by international organizations, including the IACHR, were taken into account and members of civil society took part.⁷⁷ With regard to the budgetary side of the mechanism, the State has highlighted the decision of the National Congress to allocate a budget of “10 million lempiras to ensure sustainability of implementation of the law” and the authorization of “10 million lempiras for a Special Protection Fund, which will help to make provide for effective protection.”⁷⁸

47. These initiatives represent another step toward operationalizing the mechanism and building ties of trust with the members of civil society. On this subject, it is the understanding of the IACHR that the particular protocols for implementation of some of the procedures of the mechanism have yet to be drafted.⁷⁹ Consequently, it calls on the State to make sure that civil society and human rights defender organizations have a chance to be heard at each stage of the pending process, in order for all concerns to be taken into consideration and thus lend legitimacy to the decisions it makes. Also, because of the importance that the mechanism holds for the protection of at-risk persons, which includes beneficiaries of IACHR-granted precautionary measures and Inter-American Court-granted provisional measures, the Commission urges authorities to earmark the necessary funding, as well as provide the political support for the protection mechanism to function properly.

48. With respect to current functionality of the mechanism, the State claims that the processes, procedures, forms and protocols for the auxiliary units to function, as well as the protection mechanism manuals, are still in the stage of joint development with the authorities of the General Office of the Protection System, members of the Technical Committee and representatives of the National Protection Council. The State informed that during the second semester of 2016, the Protocol of Transfer of Precautionary and Provisional Measures of the inter-American Human Rights System was approved by the Council of National Protection. In addition, the manuals of the Reception of Cases and Immediate Reaction Unit, the Implementation and Follow Up Unit and the Risk Analysis Unit were approved. It was also approved the methodology to evaluate individual and collective risk of persons who are beneficiaries of the protection mechanism⁸⁰.

49. At the public hearing “Follow-up Protection Mechanism of Human Rights Defenders in Honduras” held in December 1 2016, in Panama, civil society organizations argued that the National Protection Council is the only body that provides the participation of civil society and representatives of journalists’ guilds and justice operators. According to the organizations, this body has a limited competence to deliberate and advise the Protection System. They indicated that from the 14 members of the Council only 2 correspond to human rights organizations. They also criticized that the Technical Mechanism Committee, in charge of carrying out the opinions of the Risk Analysis and which decides the adoption of the protection measures, is composed only of State institutions⁸¹. The organizations also expressed concern on some decisions of the adopted regulation that would allow excessive participation of the Secretary of Defense in the National Protection Council (which advises the Technical Committee on the decision to whether or not to grant protection measures). They also noticed that the decisions of the Technical Committee can be challenged by a remedy that is resolved by the General Directorate of Mechanism Protection and that there

⁷⁷ Honduras, “Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras,” of August 17, 2016, paragraph 12.

⁷⁸ Ibid, paragraphs 12 and 13.

⁷⁹ In this regard, the in hearing “Follow Up on Mechanism for the Protection of Human Rights Defenders in Honduras” that took place on December 1, 2016, civil society organizations informed that the protocol for measures of collective protection is still pending approval in Honduras, like the protocol for the protection of judges. They also highlighted that the elaboration of those protocols must be done in consultation with the beneficiaries in order to take into consideration their needs. IACHR, Public Hearing, 159 Ordinary Period of Sessions, “[Seguimiento del mecanismo de protección de las personas defensoras de derechos humanos en Honduras](#)” [Follow-Up on Protection Mechanism for the Protection of Human Rights Defenders in Honduras, December 1, 2016.

⁸⁰ Communication from the State of Honduras, Response of the Honduran State to the draft of Chapter V of the 2016 Annual Report on the Follow Up to the Report “Situation of Human rights in Honduras”, 19 January 2017.

⁸¹ IACHR, Public Hearing, “[Follow-Up on Protection Mechanism for Human Rights Defenders](#)”, December 1, 2016.

would be no possibility of an independent review when a measure is not granted or when the beneficiary understands that the granted protection measures are insufficient. Regarding this last point, they indicated that the Regulation indicates that a proposal to reform the Law will be presented to correct this situation but no information or proposal in this regard has been received. The organizations referred to obstacles in terms of budget management, staffing arrangements, budgeting, number of meetings held or the type of measures that are being implemented. As the ICHR stated in the said Public Hearing, the Commission emphasizes the need for a strong and effective protection mechanism and urges the parties to work in the failures that it presents, including the lack of participation of civil society and the lack of transparency of information⁸².

50. However, the State informed the IACHR that the National Protection Council is composed of 7 representatives of State and 7 of civil society (2 of the civil society organizations and 3 of the guilds that are beneficiaries the mechanism). The State added that according to the Rules of Procedure of the Protection, the Technical Committee of the Mechanism may invite other actors to participate in its deliberations with voice but without vote (members of the National Council, public officials or representatives of authorities). According to the Regulation, the Committee will be responsible for notifying the proposed beneficiaries and their representatives to the respective session in which their case is discussed. The State informed that the meetings of the Committee include the participation of OHCHR and CONADEH. Regarding the concern expressed by civil society on the challenge of the decisions adopted by the Technical Committee, the State informed that, once the appeal is admitted the General Directorate of Mechanism will have to request to the National Protection Council an opinion on the matter prior to its decision. The National Council, in return, will have to establish in its internal rules of procedure the process for issuing its decision⁸³. This may indicate that all challenges are resolved with the participation of all public institutions and organizations that have representation in the advisory body.

51. As for the statistical data breakdown, from July 2015 to June 2016, a total of 38 protection requests were processed and another 25 requests are pending, of which 13 are human rights defenders, 8 are journalists, one operator of justice, and 3 human rights defender groups.⁸⁴ According to the information provided by the State on its observations to the draft of this report, on December 31 2016, 44 protection measures have been processed, 41 of individual nature and 3 of collective nature for environmentalists defenders, trade unionists and defenders of the rights to freedom of association and expression. In addition, 9 precautionary measures have been processed; 3 of them individual measures and 3 for human rights defenders groups, environmentalists and defenders of private property.⁸⁵ In this regard, several civil society organizations have asserted that because of the distrust in the mechanism, no protection requests are being filed by organizations, that defend land, indigenous peoples, the rights of women, among other things.⁸⁶ According to information made available to the Commission, it is necessary to bring protection measures in line with the specific risk of the defender requesting them. At the Public Hearing "Follow-up on the Protection Mechanism for Human Rights Defenders in Honduras", that took place on December 1 2016, in Panama, the applicant organizations stated that the protection measures that have been granted have a restrictive approach limited to police protection which, in addition to being ineffective, do not guarantee the right to defend rights.⁸⁷

⁸² IACHR, Public Hearing, "[Follow-Up on Protection Mechanism for Human Rights Defenders](#)", December 1, 2016.

⁸³ Communication from the State of Honduras, Response of the Honduran State to the draft of Chapter V of the 2016 Annual Report on the Follow Up to the Report "Situation of Human rights in Honduras", January 19, 2017.

⁸⁴ Ibid, paragraph 15.

⁸⁵ Communication from the State of Honduras, Response of the Honduran State to the draft of Chapter V of the 2016 Annual Report on the Follow Up to the Report "Situation of Human rights in Honduras", January 19, 2017.

⁸⁶ Newspaper article: Periódico Paso del Animal Grande, "[32 periodistas y 6 defensores de derechos humanos se han acogido al mecanismo de protección según informe](#)", [32 journalists and 6 human rights defenders have sought relief under the protection mechanism according to report], July 27, 2016.

⁸⁷ IACHR, Public Hearing, 159 Ordinary Period of Sessions, "[Follow-Up Protection Mechanism for Human Rights Defenders in Honduras](#)", December 1, 2016.

52. Additionally, there are reports that the Technical Committee of the Mechanism has coordination problems, because the officials taking part in the meetings are low-ranking and, consequently, lack the legal authority to make decisions, in addition to high turnover of those taking part. This situation makes it difficult to monitor the cases before us on an ongoing basis.⁸⁸ In its observations on the draft of the present report, the State indicated that the Technical Committee held 4 coordination meetings with representatives from the institutions of the Technical Committee and the OHCHR to determine responsibilities and roles. In addition, eleven meetings have been held to address cases of the National Protection System, such precautionary measures cases that are being transferred from the Department of Human Rights⁸⁹.

53. With relation to implementation of physical protection measures, through the precautionary measure mechanism, the Commission has received information about the willingness of the State to implement several protection measures, which include safe rooms, police patrols, police patrol accompaniment, home visits, telephone monitoring, among other physical measures. Despite these actions, the IACHR has been repeatedly receiving reports of serious failures in the implementation of physical protection measures, including: i) poor quality security cameras, often subsidized by the beneficiaries themselves;⁹⁰ ii) inconsistent patrolling;⁹¹ iii) failure to train the persons in charge of providing protection;⁹² iv) failure to implement police liaisons;⁹³ v) in some cases, the beneficiaries' representatives have not been informed about the option of conducting a risk assessment and about how said procedures are carried out.⁹⁴ Several civil society organizations have expressed frustration because, despite having held a number of consensus building meetings, both in the domestic arena and at IACHR headquarters, and despite the host of commitments made by the competent authorities, the State has been breaking most of the agreements that had been reached, leaving the beneficiaries of precautionary measures, who are also covered under the national protection mechanism, totally defenseless.⁹⁵ The resulting lack of trust has been reflected in the decision of some beneficiaries of precautionary measures to not attend the working meetings in the national framework, because the State authorities lack the political will to implement the protection measures.⁹⁶

54. In the Commission's view, it is essential that in applying any legal framework, protection programs must have "sufficient human resources, [who are] trained and instructed to receive protection

⁸⁸ CEJIL, Observations on the report on the situation of human rights in Honduras, October 14, 2016.

⁸⁹ Communication from the State of Honduras, Response of the Honduran State to the draft of Chapter V of the 2016 Annual Report on the Follow Up to the Report "Situation of Human rights in Honduras", January 19, 2017 .

⁹⁰ Report submitted by CEJIL on April 21, 2016, in the context of precautionary measures (MC 18-10) on behalf of Indyra Mendoza Aguilar and others; report submitted by CEJIL on January 21, 2016, in the context of precautionary measures (MC 399-09) on behalf of the workers of Radio el Progreso.

⁹¹ Report submitted by COFADEH on June 20, 2016, in the context of precautionary measures (MC 180-10) on behalf of Juan Ramón Flores Bueno and others; report submitted by CEJIL on January 21, 2016, in the context of precautionary measures (MC 399-09) on behalf of the workers of Radio el Progreso; report submitted by MADJ on July 6, 2016 in the context of precautionary measures (MC 416-13) on behalf of 18 members of the MADJ; report submitted by CODEH on June 7, 2016, in the context of precautionary measures (MC 95-10) on behalf of Jorge Fernando Jiménez Reyes and family.

⁹² Report submitted by MADJ on July 6, 2016, in the context of precautionary measures (MC 416-13) on behalf of 18 members of the MADJ; report submitted by CEJIL on January 21, 2016, in the context of precautionary measures (MC 399-09) on behalf of the workers of Radio el Progreso; report submitted by COFADEH on June 20, 2016, in the context of precautionary measures (MC 180-10) on behalf of Juan Ramón Flores Bueno and others.

⁹³ Report submitted by CODEH on June 7, 2016, in the context of precautionary measures (MC 95-10) on behalf of Jorge Fernando Jiménez Reyes and family.

⁹⁴ Report submitted by COFADEH on June 20, 2016, in the context of precautionary measures (MC 180-10) on behalf of Juan Ramón Flores Bueno and others.

⁹⁵ Report submitted by CODEH on June 7, 2016, in the context of precautionary measures (MC 95-10) on behalf of Jorge Fernando Jiménez Reyes and family; report submitted by CEJIL on April 21, 2016, in the context of precautionary measures (MC 18-10) on behalf of Indyra Mendoza Aguilar and others.

⁹⁶ Report submitted by CEJIL on April 21, 2016, in the context of precautionary measures (MC 18-10) on behalf of Indyra Mendoza Aguilar and others.

requests, assess risk level, adopt and implement suitable and effective protection measures, as well as monitor measures already in place.”⁹⁷ In order for measures to be adequate, they must be suitable to protect the person from the situation of risk he or she faces and, in order to be effective, they must produce the desired results.⁹⁸

55. The Commission believes that it is of particular importance for the State to redouble its efforts to ensure effective protection of persons who are beneficiaries through the protection mechanism and to continue to assess the effectiveness thereof in order to be able to make the necessary adjustments to reduce situations of risk faced by beneficiaries in the current program.

56. As for the issue of investigation, in the report submitted by the State, it is noted that the Office of the Special Prosecutor for Human Rights of the Ministry of Public Prosecution (FEDH) has appointed “an agent of the courts (assistant prosecutor)” to investigate any complaints that were brought by persons who were engaged in the defense of human rights.⁹⁹ Despite the commitments made by the State in the area of investigations, the Inter-American Commission notes with the utmost concern that serious challenges in this field continue to exist and these challenges have been underscored by different beneficiaries of precautionary measures throughout 2016.¹⁰⁰

57. Consequently, the Commission wishes to reiterate the dire need for the State to establish, as policy in the short, medium and long term, investigations as a prevention measure. The IACHR recalls that failure to investigate incidents, which prompt a situation of risk, brings about a context of impunity that fuels, over the course of time, consistent repetition of acts of violence affecting the performance of the job of human rights defenders and journalists.

58. Based on all of the foregoing considerations, the IACHR reiterates its recommendations and encourages the State of Honduras to continue its efforts to reduce violence. In particular, the IACHR urges the State to gradually withdraw the armed forces from law enforcement duties and strengthen the police in tasks of citizen security. In this context, it hopes that training of law enforcement officials on the topics of respect for and protection of human rights is expanded and that the mechanisms of evaluation of these programs are institutionalized. Additionally, the Commission calls on the State to make every effort to achieve the full and effective functioning of the protection mechanism, by providing the necessary resources for this purpose and with the full participation of civil society organizations. Likewise, the IACHR urges the State to allocate more human and technical resources to investigate with due diligence the murders of human rights defenders and apply criminal punishments, as appropriate, in order to prevent impunity and repetition thereof.

2. Administration of Justice

- Increase and improve the human and material resources assigned to the prompt, diligent, and impartial investigation of acts of violence against defenders (including the defenders of indigenous peoples and Afro-descendants), union leaders, children and adolescents, journalists and media workers, women, LGBT people, and justice operators, and apply the corresponding criminal sanctions, in order to avoid impunity and the reoccurrence of similar incidents.

⁹⁷ IACHR, *Second Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 505.

⁹⁸IA Court of HR, Matter of Mery Naranjo et al. Provisional Measures regarding Colombia. Order of the Court of November 25, 2010, Twenty-seventh operative paragraph.

⁹⁹ Ibid, paragraph 16.

¹⁰⁰ Report submitted by MADJ on July 6, 2016, in the context of precautionary measures (MC 416-13) on behalf of 18 members of MADJ; report submitted by CEJIL on January 21, 2016, in the context of precautionary measures (MC 399-09) on behalf of the workers of Radio el Progreso; report submitted by COFADEH, on June 20, 2016, in the context of precautionary measures (MC 180-10) on behalf of Juan Ramón Flores Bueno and others.

- Guarantee the independence and impartiality of justice operators and their freedom from all types of pressure, as a necessary condition for them to perform their tasks of investigating, prosecuting, and punish offenders who violate human rights.
- Pursue actions for institutional strengthening and judicial independence in processes for the appointment and promotion of judges, in accordance with international standards.
- Establish specific protection mechanisms for justice operators and their families.
- Ensure that the offenses and sanctions applicable to justice operators are duly established by law and in compliance with international human rights standards.
- Review the Law for the Classification of Public Documents Related to National Security and Defense and the corresponding regulations, to ensure their compatibility with the principles set out in international human rights law.
- While the State is adopting the necessary measures to ensure that the institution in charge of law enforcement is the police, take the necessary steps to ensure proper judicial and institutional oversight of the actions of the military police and ensure that any human rights violations they perpetrate are duly investigated and punished.
- In connection with the judges and prosecutors with jurisdiction over the entire nation, the Commission urges the State of Honduras to review those provisions and ensure that they are compatible with standards of independence and impartiality that must exist in the investigation and punishment of those responsible for human rights violations.
- Strengthen the juvenile justice system, in accordance with international human rights standards.

59. In its 2015 Report the IACHR noted that the State has not provided an effective response to the administration of justice in Honduras, creating a situation of structural impunity. Official statistics released to the public in 2013 indicated that 80% of homicides committed in Honduras remained in impunity due to the inability of the investigative agencies to do their job. During the IACHR visit in December 2014, civil society organizations interviewed by the Commission contended that persistent levels of impunity in Honduras are higher. The IACHR has not received an information regarding levels of impunity for 2016.

60. In its country report, the IACHR made brief reference to the creation on September 28, 2015, of the OAS Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) in order to “improve the quality of services provided by the apparatus of justice in Honduras and, for this purpose, it will work together with the institutions of the State and civil society.”¹⁰¹ On May 19, the first report of the MACCIH was released,¹⁰² and the following tasks were laid out for the group: announcement of choice of international and local experts, selection of judges who will make up the anticorruption circuit court with nationwide jurisdiction, and advocacy work to bring about reforms in political party and campaign financing and accountability.

61. In this context, in April of this year the Supreme Court of Justice (CSJ) created the anti-corruption and anti-extortion courts, in response to suggestions made by the MACCIH, which will have jurisdiction over cases related to extortion and corruption throughout the country. Additionally, on May 2, 2016, the Supreme Court of Justice issued a report on jurisdiction over criminal offenses of criminal adjudicatory bodies with national jurisdiction on the subject matter of corruption and on May 3, 2016, issued Order No. 01-2016: creation of the court of appeals for criminal matters with nationwide jurisdiction on the subject of corruption and extortion.¹⁰³ The IACHR notes that in September 2016, the MACCIH released its report “Toward a New Law on Financing, Transparency and Accountability of Electoral Campaigns in the

¹⁰¹ In April 2016, Congress approved the Agreement signed on January 19, 2016, between the government of the Republic of Honduras and the OAS Secretary General to establish the MACCIH. The Agreement lists four items as objectives: prevention and combatting corruption, judicial reform, political-electoral reform and public security.

¹⁰² MACCIH, 30-Day Report, May 19, 2016. Link <https://www.oas.org/es/sap/dsdme/maccih/informes/maccih.19.de.abril.pdf>

¹⁰³ Portal of the Honduran Judiciary. Available at: <http://www.poderjudicial.gob.hn/Paginas/Pl.aspx>

Republic of Honduras” and put forward a list of recommendations to Congress.¹⁰⁴ The MACCIH also released a report announcing the proposed legislative bill of the “Clean Politics” Act, which aims to address corruption stemming from illegal campaign and political party financing.¹⁰⁵

62. For its part, the State informed the Commission that in order to continue to solidify the fight against corruption, a Third Plan of Action for Open Government covering 2016-2018 was drafted, which addresses aspects linked to combatting and controlling corruption, access to public information, public procurement, e-government, enhancement of public services and management of natural resources and the environment. According to the State, this Plan, which includes initiatives of civil society, public enterprise and government institutions, addresses the priority needs identified by citizens in public consultation and gatherings held in 7 regions of the country.¹⁰⁶

63. Regarding the IACHR’s recommendation to increase and improve the human and material resources assigned to the prompt, diligent, and impartial investigation of killings of human rights defenders, the State informed in its compliance report that the Special Prosecutor for Human Rights appointed an Assistant Prosecutor to investigate the complaints submitted by human rights defenders or when the Special Prosecutor’s office initiates an investigation ex officio in this area. Further, the Assistant Prosecutor has the obligation to request protection measures from the Technical Committee for those human rights defenders who are persecuted or receive threats and attacks against their lives or personal integrity.¹⁰⁷

64. The Commission recognizes the advances reported by the State as positive steps; however, it also observes important gaps in protection and has not been informed of significant advances in the identification of the material and intellectual authors of crimes against human rights defenders, their prosecution, and the application of sanctions in order to avoid impunity and the repetition of similar incidents in the future.

65. The Commission therefore encourages the State to continue to strengthen its institutions through the training of public officials and by making fully operational the protection system. It also exhorts the State to continue to increase and improve the human and material resources assigned to the prompt, diligent, and impartial investigation of acts of violence against human rights defenders.

66. In the realm of the administration of justice, the IACHR issued several recommendations pertinent to the situation of justice operators in Honduras. In order to increase and improve the human and material resources assigned to the prompt, diligent, and impartial investigation of acts of violence against defenders (including the defenders of indigenous peoples and Afro-descendants), union leaders, children and adolescents, journalists and media workers, women, LGBT people, and justice operators, and the application of the corresponding criminal sanctions, so as to avoid impunity and the reoccurrence of similar incidents, the State detailed the following efforts: (a) it has strengthened the investigative organs and the entity in charge of public prosecutions by hiring, in less than one year, more than 200 prosecutors and around 200 investigators for the Technical Agency for Criminal Investigation (ATIC) in the principal cities of Honduras; (b) in addition to naming an Assistant Prosecutor for matters involving human rights defenders, the Special Prosecutor on Human Rights has also appointed an Assistant Prosecutor to investigate complaints made by members of the LGBTI community and media workers who consider themselves victims of a crime committed by a State

¹⁰⁴ MACCIH, [Hacia una Nueva Ley sobre Financiamiento, Transparencia y Fiscalización de Campañas Electorales para la República de Honduras](#), [Toward a new law on finance, transparency and accountability of Electoral Campaigns in the Republic of Honduras], September 1, 2016.

¹⁰⁵ MACCIH: [10 Cosas que debes saber del Proyecto de Ley Política Limpia. Una iniciativa apoyada por la MACCIH-OEA contra la corrupción](#). [10 Highlights of the proposed legislation Clean Politics, An Initiative supported by MACCIH-OAS against corruption.]

¹⁰⁶ Government of the Republic of Honduras, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016.

¹⁰⁷ Republic of Honduras. *Report on the Status of Compliance with the Recommendations Emitted in the Report on the Human Rights Situation of Honduras of the IACHR*, received August 17, 2016, para. 16 (the State did not indicate on which date the appointment took place).

agent¹⁰⁸; and (c) as mentioned in the Commission's 2015 Report on the *Human Rights Situation in Honduras*, the State again mentioned its creation of Comprehensive Specialized Assistance Modules (MAIE) to provide comprehensive assistance to victims, such as security and protection measures and being able to conduct the first investigative measures with a gender perspective and observing the principles of non re-victimization and due diligence.¹⁰⁹ The State also informed in its report that, as of August 2016, three sentences have been issued against judges for their involvement in organized crime.¹¹⁰ However, it did not inform on whether it has ensured that the offenses and sanctions applicable to justice operators are duly established by law and in compliance with international human rights standards.

67. The State also noted that the Ministry of Public Prosecution assigned prosecutors to ensure the legality of the actions of the members of the Law Enforcement Military Police and, when necessary, investigate and prosecute potential human rights violations committed by its members, without prejudice to any criminal actions that are brought by the Office of the Special Prosecutor for Prosecution of Public Officials and Public Servants of the Justice Sector against members of the National Police arising in the course of performance of their duties. In this instance, the State noted that a total of 8 charges were brought by the prosecutors.¹¹¹ As the IACHR noted in the previous section, the fact that the Military Police has a group of judges and prosecutors with nationwide jurisdiction who "accompany" it in order to verify the legality of their actions, and that the judges and prosecutors have been selected by the National Security Council, has led to the creation, in point of fact, of a proceeding with characteristics that resemble a special jurisdiction for members of the military police.¹¹² This concern was voiced by the Commission in its 2015 Country Report. *Inter alia*, the IACHR warned that:

This strategy is concerning from a human rights perspective. Basically, according to the law, it is precisely these prosecutors and judges that besides accompanying the military police who are exclusively entitled to institute criminal proceedings and hear cases of crimes committed by military police officers they accompany, respectively.

68. Additionally, the IACHR noted that these judges and prosecutors may hold hearings without having to specify their physical location; these can be done on line (virtually) or even from outside the country, as determined by the National Defense and Security Council, which makes the judges and prosecutors subordinate to that Council. Likewise, the President of the Supreme Court and the Attorney General, who participate in and enter into agreements as part of the National Defense and Security Council, hold significant sway in disciplinary proceedings for judges and prosecutors. This situation creates the risk that these justice operators will guide their actions in accordance with agreements adopted by the National Defense and Security Council, out of fear that they will be subject to disciplinary proceedings if they do not do so. This model also leads to a serious imbalance in the rights of those who are investigated and prosecuted, whose cases can even be heard in military facilities.¹¹³

69. The IACHR reiterates the need for the State to review this law and bring it in line with the standards of independence and impartiality, which must be adhered to in the investigation and prosecution of those responsible for human rights violations.

¹⁰⁸ Republic of Honduras. *Report on the Status of Compliance with the Recommendations Emitted in the Report on the Human Rights Situation of Honduras of the IACHR*, received August 17, 2016, para. 36.

¹⁰⁹ Republic of Honduras. *Report on the Status of Compliance with the Recommendations Emitted in the Report on the Human Rights Situation of Honduras of the IACHR*, received August 17, 2016, paras. 35-37.

¹¹⁰ Republic of Honduras. *Report on the Status of Compliance with the Recommendations Emitted in the Report on the Human Rights Situation of Honduras of the IACHR*, received August 17, 2016, para. 40 (the State did not indicate on which dates these three sentences were issued nor how many judges were involved in each case nor the specific sanctions that were applied).

¹¹¹ Government of the Republic of Honduras, *Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras*, IACHR, August 17, 2016.

¹¹² The National Defense and Security Council is made up of the President of the Supreme Court, the Attorney General, the Secretary of Security, the Secretary of National Defense and the President of the Republic, who presides over it.

¹¹³ IACHR, *Report on the Situation of Human Rights in Honduras*, December 2015.

70. With respect to the National Inter-Agency Security Force (FUSINA), made up of different State institutions to combat organized crime, the State reported that it has a group of certified prosecutors, whose duty, *inter alia*, is to provide technical and legal assistance for the actions of its members.¹¹⁴

71. The State also submitted data from the Office of the Special Prosecutor for Human Rights in Tegucigalpa, indicating that in 2015, a total of 127 complaints were received –though no subject matter was specified– and out of these complaints, 23 charges were brought by prosecutors against 41 police officers and 1 charge was filed against one member of the Armed Forces. Thus far in 2016, the State claimed that 51 complaints have been received and that 9 charges have been brought against 15 police members.¹¹⁵ It also noted that since August 2016, three convictions have been handed down against judges for links to criminal organizations and organized crime.¹¹⁶ The IACHR did not receive information about judges and prosecutors with nationwide jurisdiction and the applicable legal provisions to bring the law in line with standards of independence and impartiality, which are required in the investigation and prosecution of those responsible for human rights violations.

72. The new composition of the Supreme Court of Justice was appointed and sworn into office in February 2016. With regard to this selection process, which the Commission closely monitored¹¹⁷, the State cites CONADEH in saluting that process, in calling the efforts undertaken by the Appointing Board (*Junta Nominadora*) a “noteworthy and verifiable advance” towards filling the Supreme Court with lawyers who have sufficient merit and are committed to the independence and impartiality of the judicial branch “in order to guarantee the purpose, principles, and institutionality of a democratic and social state governed by the rule of law [in] the fight against corruption and impunity.”¹¹⁸ Notwithstanding this praise, the Commission received information from civil society organizations in January and February 2016 regarding the lack of transparency and access to information, particularly on the candidates’ qualifications and suitability for the position, during the last phase of the process.¹¹⁹

73. The IACHR also notes that on February 17, 2016, the President of the Supreme Court of Justice created a “Technical Committee for Verification of Conduct in the Administration of Personnel” in the judiciary, in order to verify hiring, promotions and appointments of personnel” by the Council of the Judiciary that was conducted during the period of August 1, 2015 to February 11, 2016.¹²⁰

74. The committee’s verification report dated February 25, 2016 and the two other reports that followed it uncover huge sums of money spent on travel expenses, irregular hiring, unjustified raises in pay,

¹¹⁴ Government of the Republic of Honduras, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016.

¹¹⁵ Government of the Republic of Honduras, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016.

¹¹⁶ Government of the Republic of Honduras, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras, IACHR, August 17, 2016, pg. 14, para. 40.

¹¹⁷ IACHR, Press Release No. 96/15, [IACHR Urges Honduras to Ensure Transparency and Civil Oversight in its Judicial Appointment Process for the Supreme Court of Justice](#), August 27, 2015.

¹¹⁸ Republic of Honduras. *Report on the Status of Compliance with the Recommendations Emitted in the Report on the Human Rights Situation of Honduras of the IACHR*, received August 17, 2016, para. 41 (citing CONADEH, [Annual Report 2015](#) (Spanish only), April 2016, p. 49).

¹¹⁹ See Due Process of Law Foundation, [In Honduras’ Supreme Court Elections, Civil Society Shows its Strength](#), February 19, 2016; American Bar Association, Center for Human Rights, [Selección de magistrados a la Corte Suprema de Honduras](#) (Spanish only), January 21, 2016.

¹²⁰ The creation was implemented through Official Letter PCSJ No. 026-2016 of February 17, 2016. Judiciary, [Informe de Hallazgos. Mesa Técnica de Verificación de Actuaciones en Administración de Personal – Corte Suprema de Justicia](#), [Report on findings, Technical Committee for Verification of Conduct in Administration of Personnel], Submitted by the members of the Technical Committee for Verification of the Conduct of Personnel Management, February 25, 2016.

appointments of officials to posts who did not meet the requirements, among other irregularities.¹²¹ On March 4, 2016, the members of the Council of the Judiciary tendered their resignation in response to pressure after the irregularities were uncovered by the technical verification committee. According to information in the press, the former Vice Chairman of the Council of the Judiciary, Teodoro Bonilla, was under house arrest, charged with abuse of authority and trafficking of influence to the detriment of the public administration.¹²² The IACHR has not received more specific information on either the administrative or criminal investigations opened against Teodoro Bonilla as a member of the Council.

75. At the same time, in a judgment of March 14, 2016, the Supreme Court of Justice of Honduras declared unconstitutional the Law of the Council of the Judiciary and of the Judicial Career, through an action challenging the constitutionality thereof filed in September 2012.¹²³ In the judgment, it is noted that “in order to order to keep the independence of the Judiciary, of magistrates and judges, administrative and financial autonomy, and the organic structure of the Judiciary unscathed, [...] inasmuch as the Council of the Judiciary and of the Judicial Career is an internal organ of the Judiciary, it must be appointed by the Supreme Court of Justice, without interference from other branches of the State.” In this regard, the IACHR recalls that in Chapter IV.B of its 2012 and 2013 Annual Report on Honduras, the Commission addressed some aspects of the process of selection of the members of the Council of the Judiciary, which could have a bearing on proper functioning of the administration of the Judiciary.¹²⁴ The Commission noted in particular that the system of filling the seats of the Council of the Judiciary had been called into question by several actors, mainly because of the potential risk that the entities empowered to nominate the members of the Council of the Judiciary will be influenced by the National Congress, thus granting the legislature the ultimate power to choose the council members.¹²⁵

76. In the wake of this judgment, all administrative decisions, such as appointments and removals from office, fall on the newly elected President of the Supreme Court of Justice, Rolando Argueta.¹²⁶ In fact, with the repeal of the Law of the Council of the Judiciary and of the Judicial Career, the legal framework temporarily applicable is that of the 1980 Law of the Judicial Career, which was called into question by the Inter-American Court in the judgment of the case of Lopez Lone et al. In its judgment, the

¹²¹ Judiciary, Technical Committee for Verification of Conduct in Personnel Administration, [Informe de Verificación de Actuaciones, del 1 de enero al 31 de julio de 2015](#) [‘Report on Conduct Verification, of January 1-31, 2015’]; Judiciary, Technical Committee for Verification of Conduct in Personnel Administration, [Informe de Verificación de Actuaciones, octubre de 2013 a diciembre de 2014](#), [Verification report on Conduct, October 2013 to December 2014, May 2016.

¹²² La Tribuna, [Teodoro Bonilla sigue bajo arresto domiciliario](#), [‘Teodoro Bonilla remains under house arrest’], March 10, 2016; La Prensa, [Teodoro Bonilla continuará bajo arresto domiciliario](#), [‘Teodoro Bonilla will remain under house arrest’], March 4, 2016.

¹²³ Certification of judgment handed down in Unconstitutionality Suit (Recurso de Inconstitucionalidad) No. 0696-2012 of March 14, 2016. Also see, La Prensa, [Corte Suprema de Justicia declara inconstitucional ley del Consejo de la Judicatura](#), [‘Supreme Court of Justice finds law of the Judicial Council unconstitutional’], March 14, 2016; La Tribuna, [CSJ declara inconstitucional decreto que crea el Consejo de la Judicatura](#), [‘CSJ declares decree creating the Council of the Judiciary unconstitutional’], March 14, 2016.

¹²⁴ The Commission noted the following: i) the entities that participate in the process of selection may nominate persons who do not come from the judiciary and the number of council members who do come from judicial careers (two) is lower than the number of those that come from other professional associations; ii) the law does not establish what legal and procedural requirements must be met by the entities in charge of selecting those who could become members of the Council and, therefore, they [candidates] can be selected with no basis on merits and without pre-established criteria for the candidates; and lastly, iii) the President of the Supreme Court of Justice is the person who presides over the Council of the Judiciary.

¹²⁵ Following the country visit conducted in 2012 by the United Nations Special Rapporteur on the Situation of Human Rights Defenders, even though the Rapporteur recognized adoption of the Law that created the Council of the Judiciary, she recommended the creation of an independent entity to “protect the independence of the judicial institution, and supervise the selection, promotion and regulation of the profession in accordance with international human rights standards.” Statement of the United Nations Special Rapporteur on the situation of Human Rights Defenders, Margaret Sekaggya, upon concluding her official visit to Honduras. Available at: <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=11830&LangID=S>.

¹²⁶ The Court held that while Transitory Article 3 of Decree 5-2011 comes into force, whereby the President of the Supreme Court of Justice again “holds all the powers that said Decree conferred. In other words, the President of the Supreme Court once again has the powers to select, appoint and dismiss judges, magistrates and administrative personnel as well as the power to organize and administratively run the Judiciary.” Certification of judgment handed down in Unconstitutionality Action No. 0696-2012 of March 14, 2016.

Court held that the Council of the Judicial Career, under the 1980 Law, did not constitute an autonomous and independent organ because of its nature as an auxiliary organ under the Supreme Court.¹²⁷

77. Additionally, the Court decided that the provisions in the Law and the Regulations thereof regarding imposition of punishments on judges was ambiguous inasmuch as it granted “excessive discretion” to the entity charged with imposing punishments.¹²⁸ In the view of the Court, the predictability of the punishment was infringed because the legal framework allowed for the dismissal of a judge for breach of any of the duties or incompatibility with his or her position whenever the person sitting in judgment believed that a serious breach was involved and thus it granted excessive discretion to the organ in charge of applying the punishment.”¹²⁹

78. On this issue, the United Nations Committee against Torture expressed concern over the concentration of administrative and judicial functions in the hands of the President of the Supreme Court of Justice as a consequence of the demise of the Council of the Judiciary after the judgment of the High Court. The United Nations Committee noted that despite the efforts put into carefully crafting the draft law of the new Council of the Judiciary, it regretted that the judicial career is governed again by the 1980 Judicial Career Law, inasmuch as it [this law] is marred by serious shortcomings in the area of disciplinary proceedings.¹³⁰ The Commission manifests its concern over the effects of sentence handed down by the Supreme Court of Justice and will continue to monitor this situation.

79. The IACHR urges the State to adopt the necessary measures to ensure the efficient functioning of the administration of justice, in keeping with the principles of independence and autonomy. It must also create as soon as possible a new Law of the Judicial Council to implement this objective and inform the Commission on these developments. This law should be constructed with the participation of civil society organizations and in keeping with inter-American standards on judicial independence and impartiality.

80. Additionally, the State informed the Commission of the creation of a Technical-Judicial Unit on August 5, 2016 within the Executive Office of the Judicial Power that has specialized personnel to provide juridical-administrative support to the President of the Supreme Court of Justice. Among other duties, this Unit can review the actions of judges and tribunals and, if necessary, emit recommendations, opinions, or judgements. It can also plan institutional strategies and tactics “for better decision-making” or revise the organizational and functional structure of the Judicial Power “in order to bring it in line with the best international and national practices.”¹³¹

81. With respect to the protection mechanism in place and the IACHR’s recommendation to establish specific protection mechanisms for justice operators and their families, the State in its report cites Article 64 of the Protection Law: “The institutions of the judicial sector should carry out modifications to their own budgets in order to provide a range of protection measures for its operators. and these institutions should proceed to organize a protection mechanisms for judges, magistrates, public defenders, and prosecutors in conformity with the principles, risk analyses, and standards established in the present law . . .” Further, the State mentions that, at present, the judicial operator sector is an active member in the National Protection Council, via the participation of accredited representatives of the Public Prosecutor’s office [Ministerio Público], Asociación de Fiscales [the Association of Prosecutors], Asociación de Jueces por la

¹²⁷ IA Court of HR. Case of Lopez Lone et al v. Honduras, Preliminary Objections, Merits, Reparations and Costs. [Caso López Lone y Otros vs. Honduras, Excepción Preliminar, Fondo, Reparaciones y Costas](#). Judgment of October 5, 2015, para. 221.

¹²⁸ IA Court of HR. Case of Lopez Lone et al v. Honduras, Preliminary Objections, Merits, Reparations and Costs. [Caso López Lone y Otros vs. Honduras, Excepción Preliminar, Fondo, Reparaciones y Costas](#). Judgment of October 5, 2015, para. 264.

¹²⁹ IA Court of HR. Case of Lopez Lone et al v. Honduras, Preliminary Objections, Merits, Reparations and Costs. [Caso López Lone y Otros vs. Honduras, Excepción Preliminar, Fondo, Reparaciones y Costas](#). Judgment of October 5, 2015, para. 264.

¹³⁰ United Nations, Concluding observations on the second periodic report of Honduras, CAT/C/HND/CO2, August 26, 2016.

¹³¹ Republic of Honduras. *Report on the Status of Compliance with the Recommendations Emitted in the Report on the Human Rights Situation of Honduras of the IACHR*, received August 17, 2016, paras. 53-54.

Democracia [Association of Judges for Democracy], and the Colegio de Abogados de Honduras [Honduran Bar Association].¹³²

82. On this point and in line with the concerns the Commission presented in its 2015 Report on Honduras, it continued to receive information from civil society organizations regarding the lack of adequate protection measures for justice operators and their families in light of the threats and risks of the work they perform. It also continued to receive complaints indicating that the modalities of protection offered by the State did not necessarily correspond to their needs, especially in cases in which the threats being received were from within the judicial branch.¹³³

83. In light of the foregoing, the IACHR reiterates its recommendations. The IACHR particularly urges the State to enact as soon as possible a new Law of the Council of the Judiciary and of the Judicial Career, that meets international standards in the field of human rights, as well as to adopt the necessary measures to ensure the effective functioning of the administration of justice in keeping with the principles of independence and autonomy.

3. Women's Rights

- Take the steps necessary to ensure that cases of gender-based violence are investigated with due diligence and in a timely, complete, and impartial fashion, that the people responsible are duly punished, and that the victims receive comprehensive redress.
- Adopt a comprehensive and coordinated state policy and assign adequate resources to ensure that victims of violence have full access to proper judicial protection. This will require training all public officials involved in both investigations and judicial proceedings, together with strengthening the logistics of the institutions.
- Further its efforts for equipping its institutions to deal comprehensively with the situation of violence against women, in particular by assigning the necessary human and financial resources. Pay particular attention to the situation of women in rural areas where the presence of state institutions is weak.
- Implement state policies to address the stereotypes and roles historically subordinated on women in accordance with the principles of equality and nondiscrimination.
- Prepare a comprehensive, gender-aware public policy with guidelines for health prevention, care, and attention for the employees of apparel factories.
- Regarding maquilas workers, review its legislation, particularly as regards workplace health, to prevent occupational risks. Implement workplace surveillance and control measures, as well as appropriate care, which include due control of working hours and accessible complain mechanisms.

84. In the report *Situation of Human Rights in Honduras*, the Commission laid out its main concerns over the high levels of violence against women,¹³⁴ noting that judicial ineffectiveness in cases involving violence against women creates a climate conducive to impunity, which facilitates violence and discrimination against women.¹³⁵ The IACHR urged the State of Honduras to evaluate the effectiveness of programs designed to ensure gender equality, increase efforts to provide a comprehensive and institutional approach to the situation of violence against women, in particular, allocating the necessary human and

¹³² Republic of Honduras. *Report on the Status of Compliance with the Recommendations Emitted in the Report on the Human Rights Situation of Honduras of the IACHR*, received August 17, 2016, para. 43.

¹³³ Information received during an Expert Meeting held by the IACHR on April 1, 2016.

¹³⁴ IACHR, *Situation of Human Rights in Honduras*, [Situación de derechos humanos en Honduras](#), OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 110.

¹³⁵ IACHR, *Situation of Human Rights in Honduras*, [Situación de derechos humanos en Honduras](#), OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 126.

financial resources.¹³⁶ Additionally, the IACHR expressed its concern about the situation of women working in the garment and other industry *maquilas* at transnational companies benefiting from special tax treatment, who face a number of violations of their right to humane treatment and an absence of safe working conditions, because of several factors and the State's failure to monitor these activities.¹³⁷

85. The IACHR recognizes the efforts of the State of Honduras to combat violence against women. The Commission particularly appreciates the approval of a budget allocation to create a Special Unit to investigate crimes against women, especially gender-based crimes, under the Technical Criminal Investigation Agency (ATIC), and the introduction on November 18, 2015 of a draft Legislative Decree, whereby Legislative Decree No. 228-83 of the law of the Ministry of Public Prosecution would be amended in order to create the Inter-Agency Commission to Follow Up on Investigations into the Violent Deaths of Women and Femicides.¹³⁸ It also takes note of the information submitted by the State reporting that over the course of 2015, 611 cases were opened for the crime of rape; 279 cases, for the crime of sexual aggression; and 61 cases, for statutory rape, accounting for 96.06% of all cases of sexual violence against women in 2015.¹³⁹ With respect to deaths of women, the State noted that in 2015, it prosecuted 118 cases of homicide, 48 cases of murder, 23 feminicides and 16 parricides, and as for intra-family violence, the Supreme Court of Justice recorded the filing of 1,772 cases in 2015; additionally, 19,170 complaints of domestic violence were received, of which 6,810 cases were heard and 1,426 were dismissed.¹⁴⁰ The IACHR did not receive information on the figures for 2016.

86. The IACHR also notes the drafting by the Ministry of Public Prosecution of the Manual for the Investigation of Femicides, currently in the process of being circulated, as well as the national guideline for the investigation of violent deaths of women. The State of Honduras asserted that its institutional policy implemented by the Ministry of Public Prosecution has been to promote the professionalization, comprehensive and ongoing training, evaluation and certification of the on-the-job performance of public servants, streamlining the allocation of human resources and issuing directives for prosecutors nationwide to reach out to education and health care settings.¹⁴¹ As for the victims of violence against women, the IACHR is pleased that under Executive Decree 031-2016, of March 15, 2016, the *Ciudad Mujer* (Woman City) Program has been created, focusing on comprehensive care for women, particularly survivors of violence, and whose main components are violence prevention, building financial autonomy, comprehensive sexual and reproductive health care and empowering women to assert their civil, social and economic rights.¹⁴²

87. On this score, notwithstanding the aforementioned recognition of the State's efforts, the Commission continues to be troubled by the serious situation of violence against women and the high rates of

¹³⁶ IACHR, Situation of Human Rights in Honduras, [Situación de derechos humanos en Honduras](#), OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 345.

¹³⁷ IACHR, Situation of Human Rights in Honduras, [Situación de derechos humanos en Honduras](#), OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 405.

¹³⁸ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 57.

¹³⁹ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 65.

¹⁴⁰ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 66.

¹⁴¹ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, pars. 60-61.

¹⁴² Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 81.

impunity with regard to this violence, which based on publically available information stands at 96%.¹⁴³ This concern was also raised by the United Nations Committee on Economic, Social and Cultural Rights, in its concluding observations to the State of Honduras, wherein it noted the persistence of stereotypes and attitudes that are conducive to violence against women. Said Committee regretted that despite the measures adopted by the Honduran State, there is still a climate of impunity and fear among victims to report cases of violence.¹⁴⁴ For its part, in its annual report, the CONADEH expressed concern over the violent deaths of women, the viciousness and the type of violence that is seen in each case; noting that there is an intentional pattern of attacking “their equal dignity and eliminating women.”¹⁴⁵

88. The United Nations Committee against Torture also voiced its concern in its concluding observations released in 2016 over the increased number of women murdered over the past years, especially, the increase in extreme violence against women and girls, including kidnapping, disappearances, torture in so-called “*casas locas*” [‘crazy houses’] and burial of bodies in clandestine cemeteries.¹⁴⁶

89. According to civil society organizations, one pattern they identified is that, just before many women are murdered, they disappear on the streets or are violently pulled out of their homes. Another pattern is that they are intercepted in public or in isolated areas by armed men, who force them to get into vehicles and days later their dead bodies are found. Over the course of 6 years, reports of missing women rose from 91 in 2008 to 347 in 2013, which represents a 281% increase over the period; from January to September 2014, the Ministry of Public Prosecution received 276 reports of missing women, of which 47% are for 14 to 18-year-old girls.¹⁴⁷ Civil society organizations also asserted that even though the nationwide rate of death from alleged homicide for women has been on the decline, this is mostly attributable to the change in the protocol for identifying homicides. For example, in 2014, the old method would have left out 17% of all these cases, failing to recognize them as homicides.¹⁴⁸ The IACHR does not have any statistics for 2016.

90. While pleased at the creation of the Unit against Femicides, different groups of women’s rights defenders have also voiced their concern over the fact that the more than 5,000 deaths of women registered over the past ten years are not going to be investigated; inasmuch as, according to these organizations, only 2% of these cases have been solved out of the total number.¹⁴⁹ Similarly, the national campaign against femicide, Tribuna de Mujeres contra los Femicidios, made up of women’s organizations and human rights defenders, noted in a release that in just the first half of 2016, 171 women were murdered and 96% of these cases have remained in impunity without any investigation being conducted into them. This organization asserts that even though it supported the allocation of resources to create the Unit for the Investigation into violent deaths of women, thus far there have been no results to lead anyone to believe that

¹⁴³ La Tribuna, [Honduras crea unidad especial para investigar 4.000 asesinatos de mujeres](#), [‘Honduras creates unit to investigate 4,000 murders of women’], February 11, 2016.

¹⁴⁴ United Nations, Committee on Economic, Social and Cultural Rights, [Observaciones finales sobre el segundo informe periódico de Honduras](#), [Concluding observations on the second periodic report of Honduras], E/C.12/HND/CO/2, July 11, 2016, para. 25.

¹⁴⁵ According to said report, 471 women met violent deaths in 2015, noting that the absence of positive strategies of a preventive or investigative nature contribute to the prevalence of impunity. National Human Rights Commissioner (CONADEH), [Informe Anual 2015-2016](#), [2015-1026 Annual Report], March 2016, pg. 107.

¹⁴⁶ According to the Committee against Torture, 36,284 cases of domestic and family violence were reported in 2015 in the specialized courts and another 2,400 cases of intrafamily violence were reported in the criminal trial courts that same year; even though most of the cases have been prosecuted, the Committee continued to be troubled about lower number of convictions for sexual violence and other forms of violence against women. United Nations, Committee against Torture, [Observaciones finales sobre el segundo informe periódico de Honduras](#), [Concluding observations on the second periodic report of Honduras], August 10, 2016, para. 45.

¹⁴⁷ Plataforma EPU Honduras, [Informe alternativo de la sociedad civil hondureña al Comité contra la Tortura de la ONU](#), [Alternative report of Honduran civil society to the UN Committee against Torture], July 4, 2016, pg. 27.

¹⁴⁸ Observatory on Women’s Human Rights, [El Femicidio es la más alta expresión de violencia contra las mujeres](#), [Femicide is the highest expression of violence against women’], November 2015, pg. 2.

¹⁴⁹ National Campaign against Femicides, [Unidad de Femicidios no debe empezar de cero](#), [Femicide Unit should not start from zero], February 16, 2016.

the government will honor its commitment to lower the rates of impunity in the deaths of women and feminicides.¹⁵⁰

91. Additionally, civil society organizations note serious shortcomings in the investigation and prosecuting by different operators of justice. As for the investigation stage, they claim there is a lack of coordination between the Coroner's Office, Prosecutors and investigators and that there is no institutional coordination procedure in place between the Office of the Special Prosecutor for Women and the Femicide Unit of the Office of the Prosecutor for Crimes against Life, nor is there any link between the Gender or Human Rights Unit of the Secretariat of Security and the investigators or the preventive police, which places women victims of violence in a variety of situations of revictimization.¹⁵¹ Additionally, based on the experience of women's human rights defense organizations with regard to prosecution of cases of violence against women, it is evident that there are serious problems and challenges in enforcing Honduran legislation, including: a) the ignorance of national and international operators of justice; b) pervasive discriminatory sociocultural patterns in the investigation of reported crimes undermining the goal of the justice system to bring to trial and punish cases of violence against women; c) structural problems within the justice systems that adversely affect the prosecution of cases of violence against women, such as the lack of police outposts, courts and forensic medical units in the interior of the country, where there are high rates of violence; d) inadequate coordination between the institutions in charge of providing a response to women; e) lack of protection and assurances of due process rights in order to safeguard the dignity and security of women and of witnesses during judicial proceedings; or f) justice operators viewing violence against women as a natural part of everyday life.¹⁵²

92. Regarding the problem of violence against women, the State of Honduras informed the IACHR that the National Women's Institute (INAM) is working with 190 key stakeholders in the municipalities, civil society and municipal authorities and has trained 183 public officials on the concept of non-violence as part of manliness and the prevention of violence against women, human trafficking and femicides in five target municipalities (Tegucigalpa, Omoa, San Pedro Sula, Tela and La Ceiba) and 89 public officials were brought up to date on the international conventions regulating violence against women, human trafficking and femicide, ratified by Honduras.¹⁵³ In particular, the State reported that the INAM has been strengthening the technical capacity of the Coordinating Bodies of the Municipal Women's Offices (OMM) on addressing public policies on gender at the local level and on implementing the information reporting system for the management of the OMMs.¹⁵⁴ The State also noted that it was in the process of implementation of the National Policy and Second Plan of Gender Equality and Equity of Honduras 2010-2022 (PIEGH), which sets out strategic objectives to address and combat stereotypes and social roles imposed on women, including in academic circles, in order to delegitimize these practices.¹⁵⁵ The Commission emphasizes the need to move forward in the eradication of gender stereotypes existing in Honduran society, and perpetrated in law enforcement, as a key strategy to prevent and respond to violence against women.

¹⁵⁰ National Campaign against Femicides, [Seguimos exigiendo justicia: alto los femicidios](#), ['We continue to demand justice, stop femicides'], July 21, 2016.

¹⁵¹ Plataforma EPU Honduras, [Informe alternativo de la sociedad civil hondureña al Comité contra la Tortura de la ONU](#), [Alternative report of Honduran civil society to the UN Committee against Torture], July 4, 2016, pg. 30.

¹⁵² Plataforma EPU Honduras, [Informe alternativo de la sociedad civil hondureña al Comité contra la Tortura de la ONU](#), [Alternative report of Honduran civil society to the UN Committee against Torture], July 4, 2016, pg. 31.

¹⁵³ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 70.

¹⁵⁴ The State also mentioned approval of Legislative Decree No. 27-2015 of April 7, 2015 pertaining to the right to an fair and equal wage for equal value without distinction of any kind; as well as different amendments to Article 44 of the Law of Equal Opportunities for Women, under which the Secretariat of Labor and of Social Security will demand that equal work be compensated with equal pay. Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, paras. 72-73.

¹⁵⁵ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 73.

93. The IACHR is also troubled about the continued existence of judicial barriers and practices to Honduran women being able to fully exercise their sexual and reproductive rights. In this regard, the United Nations Committee on Economic, Social and Cultural Rights expressed its concern in 2016 over “the criminalization of abortion without exception, as well as the negative impact that the prohibition of the use and distribution of emergency contraception has on exercising the right to sexual and reproductive health by women and teenage girls.”¹⁵⁶ On this score, the Committee against Torture has also voiced its concern this year over restrictions on abortion, particularly in cases of victims of rape.¹⁵⁷

94. The IACHR notes that this circumstance has placed Honduran women at risk, because the clandestine practice can lead women to seek services that are unsafe to their health and lives, especially in the case of girls and adolescents. In its comments on the draft version of this report, the State indicated that the Honduran legislation establishes that when there is a risk to the life of a woman, abortion is not criminalized therefore, legally, there are exceptions to perform an abortion¹⁵⁸. According to the Center for Women’s Rights, in 2015, there were 32,544 pregnant adolescent girls from ages 10-19, who went to public hospitals, of whom 184 were 10 to 13 years of age and, consequently, their pregnancies were the result of rape.¹⁵⁹ On this issue, civil society organizations contend that access to emergency contraception is particularly important to victims and survivors of sexual violence, given that an unwanted pregnancy arising from a rape can reinforce the trauma of the rape itself and have further consequences on the health and lives of the women.¹⁶⁰ Civil society organizations point out that this prohibition is even more serious after seeing preliminary records of Doctors without Borders’s, which establish that 14% of women in Tegucigalpa in 2015, who were treated for rape, had a positive pregnancy test result.¹⁶¹

95. Furthermore, in the report *Situation of Human Rights in Honduras*, the Commission expressed its concern over the information it received regarding a lack of response from the Honduran State to reports of violations of the right to work and to health by private companies.¹⁶² Specifically, the IACHR noted with concern working environments at clothing factories and *maquilas* and how such conditions are causing high rates of depression and anxiety in women workers,¹⁶³ as well as ergonomic risk factors, which in many instances, lead to occupational diseases, such as symptoms of musculoskeletal disorders and/or workplace accidents.¹⁶⁴ This information was reaffirmed by the organization CODEMUH, which reported to the IACHR that illegal work schedules, low salaries as well as exposure to the above-mentioned risk factors are still present.

¹⁵⁶ United Nations, Committee on Economic, Social and Cultural Rights, [Observaciones finales sobre el segundo informe periódico de Honduras](#), [Concluding observations on the second periodic report of Honduras] E/C.12/HND/CO/2, July 11, 2016, para. 53.

¹⁵⁷ United Nations, Committee against Torture, [Observaciones finales sobre el segundo informe periódico de Honduras](#), August 10, 2016, para. 47.

¹⁵⁸ Communication from the State of Honduras, Response of the Honduran State to the draft of Chapter V of the 2016 Annual Report on the Follow Up to the Report “Situation of Human rights in Honduras”, 19 January 2017.

¹⁵⁹ Center for Women’s Rights, [Las niñas de Honduras: víctimas de la negación del Estado hondureño de los derechos sexuales y reproductivos](#), [Girls of Honduras: victims of the denial of sexual and reproductive rights by the Honduran State’], May 28, 2016.

¹⁶⁰ Center for Women’s Rights (CDM), [Información complementaria sobre Honduras programada para revisión por parte del Comité contra Tortura](#), [Supplemental information on Honduras scheduled for review by the Committee against Torture], June 30, 2016, pg. 5.

¹⁶¹ Plataforma EPU Honduras, [Informe alternativo de la sociedad civil hondureña al Comité contra la Tortura de la ONU](#), [Alternative report of Honduran civil society to the UN Committee against Torture], July 4, 2016, pg. 32.

¹⁶² IACHR, [Situación de derechos humanos en Honduras](#), [Situation of Human Rights in Honduras], OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 410.

¹⁶³ IACHR, [Situación de derechos humanos en Honduras](#), [Situation of Human Rights in Honduras], OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 410.

¹⁶⁴ IACHR, [Situación de derechos humanos en Honduras](#), [Situation of Human Rights in Honduras], OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 408.

96. In its report submitted to the Commission, the Honduran State noted that in order to improve occupational health and reduce risks on the job, the Secretariat of Labor and Social Security (STSS) has been working to implement a workplace HIV policy through the General Directorate of Social Welfare in coordination with civil society organizations, a program of minimum wage enhancements for 2015-2018, and signing an agreement to promote investment, job protection, health care and access to housing for the workers of the Honduran garment *maquiladora* industry.¹⁶⁵ The State also reported that routine inspections are being conducted *ex officio* of the *maquila* plants in a general way in order to bring these plants into compliance with labor standards currently in force in the country. In particular, over the past two years, 62 inspections have been conducted in the *maquila* sector, which have led to a decrease in worker grievances and changes in the behavior of the factories to make them comply with labor laws.¹⁶⁶

97. In this regard, the IACHR takes note of the concern expressed by the United Nations Committee on Economic, Social and Cultural Rights this year over the precariousness of working conditions of women in some sectors, low wages, lack of job security, and their ongoing exposure to exploitation and violence.¹⁶⁷

98. This Commission reiterates its recommendations that the State needs to adopt prompt measures to improve working conditions of women, particularly in the *maquilas* and garment sectors; reinforce the mandate and capacity of labor inspectors to carry out effective oversight duties of working conditions at these work facilities; as well as establish effective mechanisms to report abuses and exploitation, taking into account that these women working in the garment *maquila* factories are vulnerable. The Commission also reiterates its other recommendations and urges the Honduran State to continue to implement the public policies it has adopted, and promptly take the necessary measures to move forward in overcoming the serious situation of violence against women and the high rate of impunity thereof.

4. Rights of Indigenous Peoples and Afrodescendants

- Further its efforts to protect the effective enjoyment of the right to territory of indigenous peoples and their members, as a first step in safeguarding their basic rights, bearing in mind the particular importance that inter-American human rights law has assigned to the territorial rights of indigenous peoples and the central role that ancestral territories play in respecting and upholding their rights.
- Strengthen its actions aimed at establishing—within a reasonable time and with the indigenous peoples’ full participation—the legislative, administrative, or other measures necessary to enforce the right of consultation and prior, free, and informed consent, in accordance with the applicable international standards; amend those provisions that hinder its full and free exercise; and refrain from adopting provisions that undermine that right.
- Step up its actions to respect and guarantee land rights, and adopt the state measures necessary to meet the obligation of carrying out the prior, free, and informed consultation of indigenous peoples regarding projects underway on their lands and territories and that affect their natural resources, taking into consideration the special relationship that exists between such peoples and their lands and natural resources.
- Take the steps necessary to assign an adequate budget to the state agency responsible for monitoring the rights of indigenous and Afro-Honduran peoples. Implement public policies according to their needs and concerns in consultation with them.

¹⁶⁵ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 82.

¹⁶⁶ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 82.

¹⁶⁷ United Nations, Committee on Economic, Social and Cultural Rights, [Observaciones finales sobre el segundo informe periódico de Honduras](#), [Concluding observations on the second periodic report of Honduras], E/C.12/HND/CO/2, July 11, 2016, para. 31.

- Address the education, nutrition, health, and maternal health needs of indigenous and Afro-descendant peoples.
- In relation to Miskito divers, review the underwater fishing law of 2001 considering the divers needs. Implement urgent supervision mechanisms for companies dedicated to submarine fishing. Provide a hyperbaric chamber in La Mosquitia.
- Take immediate steps to ensure that the activities carried out by the Police and National Army in the context of the defense of indigenous peoples and communities, their ancestral territories, and the exercise of their rights are in accordance with their functions within a democratic system and with the applicable inter-American standards.

99. In its report *Situation of Human Rights in Honduras*, the Commission expressed its concern over the situation of indigenous peoples and Afrodescendants in Honduras, in particular, the violence stemming to a great extent from the struggle for land and territory, which is further exacerbated by the conditions of inequality and discrimination, in which these groups live and the consequent barriers faced by them in their access to justice.¹⁶⁸ Additionally, the IACHR has voiced concern over information provided by civil society organizations noting that there is no legislation or regulation putting into effect the rights recognized in International Labor Organization (hereinafter, “ILO”) Convention 169, ratified by the State in 1994.¹⁶⁹ Based on the information received by the IACHR, the Law of Employment Zones and Economic Development (ZEDES), allegedly placed the Garifuna people at imminent risk of being expelled from the northern coast of Honduras, among other risks, through the creation of “model cities,” five of which would envelope Garifuna communities, who were not first consulted about the project.¹⁷⁰

100. The IACHR recognizes and hails the hand over in April 2016 of 11 territorial titles to as many Territorial Councils of the Misquito People, totaling more than 1 million hectares of land,¹⁷¹ as well as inter-agency efforts to create, by Executive Decision, the Inter-Agency Commission that will be directly empowered to carry out the different operative items of the judgments of the cases of the *Garifuna Community of Punta Piedra* and *Garifuna Community of Triunfo de la Cruz*.¹⁷² The Commission also takes note of the information submitted by the State indicating that two legislative bills have been introduced in the National Congress to establish the procedures that must be followed so that consultations are defined under their purview and the mechanisms are realized. According to the account of the State, in order to progress in the subject matter and successfully complete a statute on prior, free and informed consultation, in line with international standards and the particular needs of the peoples, a process has been promoted with the support of the ILO,¹⁷³ which will be conducting extensive outreach meetings with the peoples and a number of state actors.¹⁷⁴

¹⁶⁸ IACHR, [Situación de derechos humanos en Honduras](#), [Situation of Human Rights in Honduras], OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 416.

¹⁶⁹ IACHR, [Situación de derechos humanos en Honduras](#), [Situation of Human Rights in Honduras], OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 424.

¹⁷⁰ IACHR, [Situación de derechos humanos en Honduras](#), [Situation of Human Rights in Honduras], OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 426.

¹⁷¹ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 87.

¹⁷² Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 89. In its comments on the draft version of this report, That State highlighted the accompaniment of the National Agrarian Institute in this process, the National Direction of Indigenous Peoples and Afro Honduran Persons, the Secretary of Natural Resources and the Environment, the General Office of the Prosecutor, the Secretary of Agriculture and Livestock, the Secretary of Development and Social Inclusion, the Institute of Forest Conservation and the Confederation of Indigenous Peoples and Afro Honduran Persons. Communication from the State of Honduras, Response of the Honduran State to the draft of Chapter V of the 2016 Annual Report on the Follow Up to the Report “Situation of Human rights in Honduras”, 19 January 2017.

¹⁷³ In the Public Hearing “Situation of Indigenous Peoples and the Right to Consultation on Honduras” that took place on December 1, 2016, the State representatives indicated that it had set up an interinstitutional roundtable to work on draft legislation and had held 18 workshops in the communities, with the presence of national and international observers such as the United Nations Development Programme (UNDP) and the ILO. It indicated that in January 2017 the indigenous communities will be provided with a systematized account of the input it received, for their consideration, before it is sent to the executive and legislative branches.. IACHR,

101. The IACHR stresses the need for the right to prior, free and informed consultation and consent to be realized within a reasonable period of time, with the full participation of indigenous peoples. In relation to the draft legislative bills that the State reported it was working on, this Commission shares the concern expressed by the United Nations Committee on Economic, Social and Cultural Rights in 2016 regarding the lack of adequate participation by indigenous peoples in the drafting thereof.¹⁷⁵ Moreover, following her visit to Honduras in 2016, the United Nations Rapporteur on the Rights of Indigenous Peoples noted the little or total lack of awareness about these legislative initiatives by the indigenous representatives and State officials, who she met with, and voiced her concern that indigenous organizations had publically rejected the above-mentioned draft law of consultation because it was not widely consulted with all indigenous organizations of the country. Accordingly, several indigenous organizations have introduced their own legislative bills on prior consultation.¹⁷⁶

102. A member of civil society, the Center for the Study of Democracy (CESPAD), also denounced that the Law of Consultation the government is working on does not have the consent of the native and non-native groups of the country, and that these groups were left out of the drafting process.¹⁷⁷ CESPAD also asked the State of Honduras to refrain from continuing with the process of creation of the Law of Consultation, because it is a document that was not consulted nor does it have the approval of the native and non-native indigenous groups and, as such, undermines the right to self-determination of the communities. The Center also asked the inter-agency technical committee of ILO Convention 169, which was created by the government and is made up of 19 government institutions, to proceed to request the lifting of the blocking of the draft Law on Free, Prior and Informed Consultation, which was written by the Observatory of Indigenous Peoples and Blacks of Honduras (ODHPINH); and that it proceed to approve the Law of Free, Prior and Informed Consultation drafted by the ODHPINH, the content of which was created in keeping with the needs and realities of the native and non-native indigenous groups of the country.¹⁷⁸

103. This Commission takes note of the State's report on progress in recognizing the right to territory of indigenous peoples, as well as the process of granting title to several communities, among other ones, the Misquito, Garifuna and Pech peoples.¹⁷⁹ The IACHR also views with concern the statement of the United Nations Special Rapporteur that indigenous representatives reported that still pending were requests for title, such as in the case of the Nahua and Pech communities in Olancho, as well as a request for expansion of title by the Garifuna, Tolupanes, Tawahka and Pech communities to include their functional habitats.¹⁸⁰

Public Hearing, 159 Ordinary Period of Sessions, "[Situation of Indigenous Peoples and the Right to Consultation on Honduras](#)", 1 December 2016.

¹⁷⁴ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, paras. 93-94.

¹⁷⁵ United Nations, Committee on Economic, Social and Cultural Rights, [Observaciones finales sobre el segundo informe periódico de Honduras](#), [Concluding observations on the second periodic report of Honduras], E/C.12/HND/CO/2, July 11, 2016, para. 11.

¹⁷⁶ United Nations, [Informe de la Relatora Especial sobre los derechos de los pueblos indígenas sobre su visita a Honduras](#), [Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Honduras] A/HRC/33/42/Add.2, July 21, 2016, para. 14.

¹⁷⁷ Ver CIDH, Audiencia Pública, 159 Periodo Ordinario de Sesiones, "[Situación de los pueblos indígenas y derecho a la consulta en Honduras](#)", 1 de diciembre de 2016.

¹⁷⁸ Centro de Estudio para la Democracia (CESPAD), [Gobierno aprobará "ley de consulta" marginando a pueblos indígenas y negros de Honduras](#), [Government to approve "law of consultation" leaving out indigenous peoples and blacks of Honduras], July 29, 2016.

¹⁷⁹ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 87, 89 and 92.

¹⁸⁰ United Nations, [Informe de la Relatora Especial sobre los derechos de los pueblos indígenas sobre su visita a Honduras](#), [Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Honduras] A/HRC/33/42/Add.2, July 21, 2016, para. 38.

These indigenous representatives denounced that even though they have title to their lands, they face hostile claims of private individuals, who seek to break up the indigenous land through judicial and administrative proceedings and purchase of land, illegally sold to them by indigenous individuals. According to the report of Special Rapporteur, some municipal authorities have been involved in illegal sales of indigenous lands and have approved or participated in logging, mining and farming activities on those lands. The communities facing this type of problem include the Lenca de Lepaterique and Llanos de la Candelaria communities, and several Tolupanes tribes in Yoro who have owned title since the 19th Century; in La Mosquitia, this issue is also linked to drug trafficking and money laundering activities.¹⁸¹

104. In the case of Garífuna communities, at the hearing on “Situation of Indigenous people and the right to consultation in Honduras” held on December 1 2016, civil society organizations indicated that Garifuna communities remain victims of ilegal appropriation of their territories and that women, men and entire communities have been criminalized by usurpation and to strip them of their lands. They reported that there were 15 tax requirements against Garifuna in La Ceiba, 12 tax requirements in Trujillo courts and 6 tax requirements in the Tela courts against members of Garifuna communities¹⁸².

105. According to the report of the Special Rapporteur, clearing title to the territory is an extremely urgent matter to resolve the presence of third parties on titled lands; the members of the Miskita de Auka community reported third parties on their lands who obtained titles and other permits granted illegally by municipal authorities or through illegal sales. Because of cattle raising activities and drug trafficking of third parties, their forests have been denuded and their members are unable to gain access to their traditional farming and hunting sites and this exposes them to a situation of food insecurity and problems of health, on top of death threats against community leaders.¹⁸³

106. On the other hand, the IACHR is pleased with the information provided by the State that the Secretariat of Health will provide comprehensive coverage to indigenous peoples and Afro-Hondurans through community outreach visits of Primary Health Care Teams, as well as that in 2016 a new health care facility was opened in Montaña de la Flor in order to provide care to the Tolupan people.¹⁸⁴ Notwithstanding, the Commission regrets that the State has not submitted detailed information on the progress made in meeting the needs in the area of education, nutrition and maternal health of indigenous peoples and Afrodescendants, as recommended in the report on the *Situation of Human Rights in Honduras*.

107. Likewise, the status of the right to education and to health of indigenous peoples and Afro-Hondurans was also cause of concern to the United Nations Special Rapporteur on the Rights of Indigenous Peoples. Regarding indigenous peoples, her report notes that indigenous representatives stated that there remained problems with the education provided in their communities, because of a shortage of school supplies, staff and infrastructure and in particular, in La Mosquitia, they emphasized the state of disrepair of schoolhouses and the lack of secondary and higher education facilities.¹⁸⁵ As for health, the report indicates that chronic malnutrition affects 38% of the indigenous child population under the age of 5 years; among Lenca, Tolupan and Chorti children, the rate is higher than 55%, as compared to the national average of 30%.

¹⁸¹ United Nations, [Informe de la Relatora Especial sobre los derechos de los pueblos indígenas sobre su visita a Honduras](#), [Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Honduras] A/HRC/33/42/Add.2, July 21, 2016, para. 39.

¹⁸² ICHR, Public Hearing, 159 Ordinary Sessions, [“Situación de los pueblos indígenas y derecho a la consulta en Honduras”](#), December 1 2016.

¹⁸³ United Nations, [Informe de la Relatora Especial sobre los derechos de los pueblos indígenas sobre su visita a Honduras](#), [Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Honduras] A/HRC/33/42/Add.2, July 21, 2016, para. 40.

¹⁸⁴ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, paras. 99 and 100.

¹⁸⁵ United Nations, [Informe de la Relatora Especial sobre los derechos de los pueblos indígenas sobre su visita a Honduras](#), [Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Honduras] A/HRC/33/42/Add.2, July 21, 2016, para. 69.

The Special Rapporteur also heard testimony about the lack of health care facilities on indigenous territories, and socioeconomic factors which hinder access to health. In La Mosquitia, for example, indigenous representatives testified that the lack of staffing and adequate medical care in the region has resulted in increased maternal mortality and in the number of people who had simply resigned themselves to dying because they could not afford the costs of transportation and medical treatment in distant population centers.¹⁸⁶

108. Civil society organizations note that life expectancy among native peoples of Honduras is 36 years for women and 43 years for men, which stands way below the national averages of 72.47 years for women and 69.03 years for men.¹⁸⁷ According to these organizations, 95% of the indigenous population under the age of 14 suffers from malnutrition and the average education level of native peoples of Honduras is 4.64 years of schooling among the population of 15 to 19 year-olds. According to the organizations, 39.1% of women age 15 to 24 of the native Honduran peoples are mothers and 77% of these mothers have no marital tie. 93.9% of these young mothers have fallen behind in their education and 22% have never officially or formally been educated. Additionally, illiteracy rates among the native peoples population of 15 to 24 year old stands at 17.1%, while this same segment of the mestizo youth population stands at only 10.6%.¹⁸⁸

109. The IACHR regrets that the State has not made information available regarding the recommendation to take immediate steps to ensure that the activities carried out by the Police and National Army in the context of the defense of indigenous peoples and communities, their ancestral territories, and the exercise of their rights are in accordance with their duties in a democratic system and with the applicable Inter-American standards. Moreover, given the strong presence of the army and the military police in the country, evidence received about collusion by police and military forces with private or business interests, and even with organized crime on indigenous territories is troubling. All of this exacerbates the violence and impunity endured by indigenous people.¹⁸⁹ In this same vein, civil society organizations have continually denounced the State security forces and the Army overstepping the limits of their duties in contexts of social protest and indigenous peoples defending their territories. On May 10, 2016, the Civic Council of People's and Indigenous Organizations of Honduras (COPINH) announced in a communiqué that after a mobilization effort to demand the cancellation and withdrawal of the Agua Zarca Hydroelectric project, DESA company, and the presence of military forces on Lenca territory in general and, in Rio Gualcarque, in particular, these indigenous peoples were the target of disproportionate actions taken by the security forces.¹⁹⁰

110. The IACHR reiterates the need to make a greater effort to protect the effective enjoyment of the right to territory of indigenous peoples and their members as a first step to safeguard their fundamental rights. In particular, the Commission stresses the importance for the State of Honduras to adopt as soon as possible the necessary legislative, administrative and other kinds of measures in order to provide for the right to prior, free and informed consultation and consent, in keeping with international standards on the subject matter, as well as to amend any provisions of law or regulations that hinder the full and free exercise thereof. Furthermore, the IACHR reiterates its other recommendations to the State of Honduras to improve

¹⁸⁶ United Nations, [Informe de la Relatora Especial sobre los derechos de los pueblos indígenas sobre su visita a Honduras](#), [Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Honduras] A/HRC/33/42/Add.2, July 21, 2016, paras. 72 and 74.

¹⁸⁷ Plataforma EPU Honduras, [Informe Alternativo al Segundo Informe del Estado de Honduras ante el Comité de Derechos Económicos, Sociales y Culturales](#), Alternative Report to the Second Report of the State of Honduras to the Committee on Economic, Social and Cultural Rights. May 9, 2016, para. 135.

¹⁸⁸ Plataforma EPU Honduras, [Informe Alternativo al Segundo Informe del Estado de Honduras ante el Comité de Derechos Económicos, Sociales y Culturales](#), Alternative Report to the Second Report of the State of Honduras to the Committee on Economic, Social and Cultural Rights. May 9, 2016, para. 135.

¹⁸⁹ United Nations, [Informe de la Relatora Especial sobre los derechos de los pueblos indígenas sobre su visita a Honduras](#), [Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Honduras] A/HRC/33/42/Add.2, July 21, 2016, para. 21.

¹⁹⁰ COPINH, [Comunicado frente la represión violenta el día de hoy](#), [Communiqué on the violent crack down today] May 10, 2016.

the situation of indigenous peoples and Afro-Hondurans, by meeting their needs in the areas of education, nutrition, health and maternal health.

5. Rights of LGBT Persons

- Conducting exhaustive investigations with all due diligence to prosecute and punish the people responsible for killings and other acts of violence against LGBT people. In investigating killings and other acts of violence against LGBT people, the State must explore lines of investigation that examine whether the crimes were committed by reason of the victim's real or perceived sexual orientation and/or gender identity.
- Address the underlying causes of violence based on prejudice toward the sexual orientation and gender identity or expression of people who defy the gender rules established by society. This includes adopting policies and conducting public campaigns to promote awareness and respect for the human rights of LGBT people in all sectors, including education, health, and the family, in order to combat the prejudices that underpin violence related to sexual orientation and gender identity or expression.
- Produce statistics and official records of violence against LGBT and intersex people, in order to promote public policies for protecting their human rights.
- Adopt a gender-identity law or similar measures to allow the full recognition of the identity of trans people.
- Adopt a differentiated approach to ensure the rights to life and integrity of LGBT people and of defenders of LGBT people's human rights, given that they are particularly vulnerable to violence from State agents as well as private parties.
- Progress with the adoption of legislative measures, public policies, and the like that afford effective protection to the defenders of the rights of LGBT and intersex people.

111. In its report *Situation of Human Rights in Honduras*, the IACHR examined the situation of violence and discrimination faced by LGBT persons in Honduras, as well as the high incidence of violence against defenders of LGBT persons' human rights, and the rates of impunity and failure to investigate surrounding these crimes. The Commission also issued specific recommendations on the human rights of LGBT persons.

112. In this report, the Commission highlighted progress made by Honduras in some areas, in particular, training of public officials to combat stereotypes and discrimination against LGBT persons, adoption of measures to reduce impunity levels, and the appointment of officials to provide specialized service to LGBT persons. Notwithstanding, the IACHR notices troubling situations of violations of the human rights of LGBT persons in Honduras, stemming from the violence and discrimination based on their sexual orientation, identity or gender expression, whether real or perceived, or for being human rights defenders. En la audiencia sobre "Situación de la justicia y las personas defensoras de derechos humanos en Honduras" realizada el 1 de diciembre de 2016 en Panamá, las organizaciones de la sociedad civil participantes señalaron que de cada 5 personas LGBT asesinadas en Centroamérica 3 son de Honduras. Según el Observatorio de la organización Catrachas, de 2009 hasta julio de 2016 se han registrado 224 muertes violentas contra personas LGBT. Asimismo, indicaron que de todos los casos de muerte violenta registrados del 2009 hasta la fecha solo el 33% habría sido judicializado¹⁹¹. In its comments on the draft version of this report, the State informed that the caseload of cases regarding LGBTI persons from 2008 to 2016 in the center south west area comprise a total of 98 cases under investigation, 27 judicialized cases, 11 condenatory sentences and 6 acquittals¹⁹².

¹⁹¹ CIDH, Audiencia Pública, 159 Periodo Ordinario de Sesiones, "[Situación de la justicia y las personas defensoras de derechos humanos en Honduras](#)" 1 de diciembre de 2016.

¹⁹² Communication from the State of Honduras, Response of the Honduran State to the draft of Chapter V of the 2016 Annual Report on the Follow Up to the Report "Situation of Human rights in Honduras", 19 January 2017.

113. The Inter-American Commission takes note of the information provided by civil society organizations citing that during 2016 there was a high rate of murders of LGBT persons, mostly concentrated in the cities of Tegucigalpa, San Pedro de Sula and La Ceiba.¹⁹³ On this topic, the information received indicates that over the course of this year, the most oft-used weapon in the violent killings of the gay population was blade weapons or other blunt objects.¹⁹⁴ Over 2016, civil society organizations documented nine murders of LGBT persons, three of which were gay men, five were trans persons, and one lesbian.¹⁹⁵ As for lesbian and bisexual women, the Commission was informed that it is extremely difficult to gather information on these violent deaths, and no official statistics exist on these crimes.¹⁹⁶

114. Civil society organizations also told the IACHR that Trans persons face constant physical assaults, acts of torture, threats, *inter alia*, perpetrated with extreme violence and viciousness.¹⁹⁷ According to a study conducted by Redlactrans, 89% of reported cases involve violent crimes, such as rape or sexual abuse (3%), physical assaults (32%), murders (29%), intimidation, threats and harassment (25%),¹⁹⁸ and the remaining 11%, they noted, are related to discrimination in access to health services.¹⁹⁹ They also stated that 75% of these cases were reported to the competent authorities and only 29% received a response after the complaint was filed.²⁰⁰

115. The Commission also learned from civil society organizations during the public hearing held on April 5, 2016 as part of the 157th period of sessions that a climate of discrimination against LGBT persons is still pervasive throughout the country, and that it is conducive to prejudice-based violence.²⁰¹

116. Civil society organizations also reported to the Commission that the militarization of security and law enforcement has led to increased violence and discrimination against LGBT persons.²⁰² They noted that it is common for police to patrol in areas of concentration of LGBT persons and where trans persons serve as sex workers.²⁰³ In this regard, they alleged that trans women are extorted by military and police officers and are subjected to physical assault, threats, and arbitrary detentions by them.²⁰⁴ They also claimed that State authorities fail to protect trans women sex workers from violence and extortion in areas overtaken by organized crime groups, who according to reports force them to get involved in drug dealing in order to be

¹⁹³ IACHR, Hearing "[Situación de derechos humanos de las personas LGBT en Honduras](#)", [Situation of human rights of LGBT persons in Honduras], April 5, 2016, 157th period of sessions.

¹⁹⁴ Cattrachas, "Informe Sobre Muertes Violentas de la comunidad LGTTBI, [Report on violent deaths in the LGTTBI community], Cattrachas 2016", 2016.

¹⁹⁵ Cattrachas, "Muertes Violentas de LGTTBI por Orientación Sexual Identidad de Género por año [Violent deaths of LGTTBI based on sexual orientation, gender identity by year], CATTRACHAS (Honduras)", 2016.

¹⁹⁶ Cattrachas, "Informe Sobre Muertes Violentas de la comunidad LGTTBI, [Report on violent deaths in the LGTTBI community], Cattrachas 2016", 2016, pg. 22.

¹⁹⁷ Redlactrans, "Human rights violations of trans women in Costa Rica, El Salvador, Guatemala, Honduras and Panama", October 2015, pg. 46, graph 1.

¹⁹⁸ Redlactrans, "Human rights violations of trans women in Costa Rica, El Salvador, Guatemala, Honduras and Panama", October 2015, pg. 46.

¹⁹⁹ Redlactrans, "Human rights violations of trans women in Costa Rica, El Salvador, Guatemala, Honduras and Panama", October 2015, pg. 46.

²⁰⁰ Redlactrans, "Human rights violations of trans women in Costa Rica, El Salvador, Guatemala, Honduras y Panamá", October 2015, pg. 49, graphs 3 and 4.

²⁰¹ IACHR, Hearing "[Situación de derechos humanos de las personas LGBT en Honduras](#)", [Situation of human rights of LGBT persons in Honduras], April 5, 2016, 157th period of sessions.

²⁰² IACHR, Hearing "[Situación de derechos humanos de las personas LGBT en Honduras](#)", [Situation of human rights of LGBT persons in Honduras], April 5, 2016, 157th period of sessions.

²⁰³ IACHR, Hearing "[Situación de derechos humanos de las personas LGBT en Honduras](#)", [Situation of human rights of LGBT persons in Honduras], April 5, 2016, 157th period of sessions.

²⁰⁴ CIDH, Audiencia "[Situación de derechos humanos de las personas LGBT en Honduras](#)", [Situation of human right of LGBT persons in Honduras], April 5, 2016, 157th period of sessions.

allowed to continue working in these areas. Based on information submitted to the IACHR by civil society organizations, this situation is exacerbated by a climate of impunity, which according to these organizations stands at 80% nationwide.²⁰⁵

117. The Commission takes note of the information submitted by the State of Honduras that the National Human Rights Commission (“CONADEH”) nationwide responded to 73 complaints of human rights violations filed by LGBT persons or groups.²⁰⁶ The State also reported to the IACHR that it has continued to conduct surveillance, promotion and protection and defense of the human rights of LGBT persons.²⁰⁷ The Commission commends the State’s initiative to conduct 224 training sessions aimed at public servants and policemen on issues relating to human rights of sexual diversity, which were attended by 1,457 men and 1,862 women.²⁰⁸

118. Likewise, the Commission welcomes the creation of Office of the Ombudsman for Sexual Diversity, which according to the information provided by the State, promotes issues closely tied to the enjoyment of human rights of LGBT persons, including training National, Military and Municipal Police members, with a view toward reducing the stigma and discrimination, improving citizen security and strengthening local groups on the topics of inclusive growth and appropriation of rights; participation in the review and proposal for changes and the creation of legal provisions to support the enjoyment of rights by LGBT persons, monitoring and advising on complaints and reports filed by this of segment of the population.²⁰⁹ The Commission has not received information from civil society on this Office of the Ombudsman.

119. The State also reported that the Secretariat for Development and Social Inclusion (“SEDIS”) launched a campaign in May 2016, in the context of the International Day against Homophobia, Biphobia and Transphobia, with a view toward sensitizing the general populace on the subject.²¹⁰

120. As for amending the Criminal Code, the State reported that the Secretariat for Human Rights, Justice, Interior and Decentralization (“SDHJGD”) has been monitoring the process of drafting the new Criminal Code in order to ensure that the gains achieved in the area of criminal prosecution of discrimination based on sexual orientation and gender identity is preserved in this body of law.²¹¹

121. As for production of data and official registers on violence, the Commission has received information from civil society organizations indicating that no nationwide systematic register on assaults on

²⁰⁵ IACHR, Hearing “[Situación de derechos humanos de las personas LGBT en Honduras](#)”, [‘Human Rights Situation of LGBT Persons in Honduras’], April 5, 2016, 157th period of sessions; Conexión, “[Impunidad de crímenes de odio supera el 92% en Honduras](#)”, [Impunity of hate crimes surpasses 92% in Honduras], June 21, 2016.

²⁰⁶ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, pg. 34.

²⁰⁷ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, pg. 34.

²⁰⁸ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, pg. 35.

²⁰⁹ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, pg. 35.

²¹⁰ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, pg. 37.

²¹¹ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, pg. 36.

LGBT persons exists.²¹² Notwithstanding, the IACHR takes note that, according to the State, the Office of the Special Prosecutor for Human Rights (FEDH) in Tegucigalpa and Comayagua keep a register of complaints filed by LGBT persons.²¹³

122. For its part, the State reported to the IACHR that the FEDH appointed a prosecutor to the courts as the liaison between the Attorney General of the Republic and LGBT organizations, whose job it is to monitor all complaints nationwide in which the victim or aggrieved party considers herself or himself a lesbian, gay, bisexual and/or trans person and, at the same time, produce statistical data on the criminal incident perpetrated against the LGBT persons.²¹⁴

123. Regarding production of data and official registers on violence against LGBT persons, civil society organizations have expressed concern to the Commission over the failure to enact a law on gender identity to ensure the right of all trans persons to rectify his or her identification documentation through a simple administrative procedure that does not pathologize trans identity.²¹⁵ In this regard, these organizations have reported that the failure to legally recognize trans persons is one of the main reasons to account for the situation of poverty and consistent exclusion, marginalization and discrimination they confront.²¹⁶ Particularly, they claimed that the failure to recognize gender identity and preclusion from gaining access to individual identification documents to reflect gender identity “keeps trans women invisible in official registers and systems and in a situation of greater vulnerability.”²¹⁷

124. The Commission hails the initiative of Deputies to Congress Doris Gutiérrez and Beatriz Valle to welcome a proposed Law on Gender Identity and provide support to introduce this legislative bill before the National Congress.²¹⁸ The IACHR received information on this topic to the effect that the proposed law was spearheaded by civil society organizations and that it stipulates that gender identity is consistent with “the internal and individual experience of the gender as each person feels it, which may or may not match the sex assigned at the time of birth;” and it proposes the creation of a Gender Identity Office.²¹⁹

125. For its part, the State reported to the Commission that the CONADEH is supporting the review of the draft Gender Identity Law, as well as promoting review and adjustments to the Law of National Register of Persons, in order to make sure that the needs of trans persons are taken into account.²²⁰ The IACHR also commends the State for its initiative to enter into partnerships with civil society organizations to change the procedural steps required to change photographs on the identification document.²²¹

²¹² IACHR, Hearing “[Situación de derechos humanos de las personas LGBT en Honduras](#)”, [Situation of human rights of LGBT persons in Honduras], April 5, 2016, 157th period of sessions.

²¹³ IACHR, Hearing “[Situación de derechos humanos de las personas LGBT en Honduras](#)”, [Situation of human rights of LGBT persons in Honduras], April 5, 2016, 157th period of sessions.

²¹⁴ Government of the Republic of Honduras, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, pg. 35.

²¹⁵ Redlactrans, “Human rights violations of trans women in Costa Rica, El Salvador, Guatemala, Honduras and Panama”, October 2015, pg. 44.

²¹⁶ Redlactrans, “Human rights violations of trans women in Costa Rica, El Salvador, Guatemala, Honduras and Panama”, October 2015, pg. 44.

²¹⁷ Redlactrans, “Human rights violations of trans women in Costa Rica, El Salvador, Guatemala, Honduras and Panama”, October 2015, pg. 45.

²¹⁸ Conexión, “[Congreso Nacional recibe propuesta para aprobar Ley de Identidad de Género](#)”, [National Congress receives proposal to approve Gender Identity Law’], May 20, 2016.

²¹⁹ Conexión, “[Congreso Nacional recibe propuesta para aprobar Ley de Identidad de Género](#)”, [National Congress receives proposal to approve Gender Identity Law’], May 20, 2016.

²²⁰ Government of the Republic of Honduras, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, pg. 35.

²²¹ Government of the Republic of Honduras, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, pg. 35.

126. Additionally, the Commission notes that the pattern of violence perpetrated against defenders of LGBT persons' human rights in Honduras was the subject of two press releases in 2016.²²² On this score, civil society organizations have apprised the IACHR about the delicate security situation faced by defenders of LGBT persons' human rights. Civil society organizations also noted that in January 2016, seven security incidents against members of the Asociación Arcoíris have been reported.²²³

127. In turn, the IACHR received information about the murder of 24-year-old Paola Barraza, a trans human rights defender and member of the board of directors of the LGBT Asociación Arcoíris.²²⁴ It was also reported that two members of the organization APUVIMEH were murdered in September 2015 because of their activism.²²⁵ Civil society organizations told the IACHR that these deaths were not investigated by the State.²²⁶ Accordingly, the IACHR condemned the murder of René Martínez, defender of human rights of LGBT persons in San Pedro Sula.²²⁷ According to the information received, the body of René Martínez was identified on June 3, 2016 in the morgue of San Pedro Sula, with signs of strangling and asphyxia. Along the same lines, the United Nations Committee on Economic, Social and Cultural Rights expressed its deep concern over the discrediting, threats and, especially the murder of René Martínez.²²⁸ It also was brought to the attention of the IACHR that state agents assaulted LGBT human rights defenders.²²⁹

128. In addition, the Commission received information to the effect that since 2009 to November 2015, there have been reported more than 200 cases of violent deaths against members of organizations that promote the rights of LGBT persons in Honduras, of which only 33 have been prosecuted.²³⁰

129. Civil society organizations also claimed that the Honduran State did not comply with the protection measures granted through the precautionary measures system because, as they contend, the police patrols are not carried out systematically, the telephone links do not work, and posting of preventive police is ineffectual.²³¹ They further reported that there is no implementation protocol in place that meets the needs of the beneficiaries. The IACHR has granted several precautionary measures on behalf of defenders of LGBT persons and reiterates its call to the State to step up efforts to implement them effectively.²³²

²²² IACHR, Press Release No. 027/16, "[CIDH condena asesinatos y otros actos de violencia contra defensores y defensoras de derechos de personas LGBT en Honduras](#)" [IACHR Condemns Killings and Other Acts of Violence against Human Rights Defenders of LGBT Persons in Honduras], March 7, 2016; IACHR, Press Release No.078/16, "[CIDH condena asesinato de defensor de derechos de personas LGBT en Honduras](#)", [IACHR Condemns Killing of Human Rights Defender of LGBT Persons in Honduras], June 15, 2016.

²²³ FIDH, "[Honduras: Alarmante aumento de asesinatos y ataques en contra de integrantes de la Asociación Arcoíris](#)", [Honduras: Alarming increase in killings and attacks against member of Arcoiris Association], February 3, 2016.

²²⁴ IACHR, Press Release No. 027/16, "[CIDH condena asesinatos y otros actos de violencia contra defensores y defensoras de derechos de personas LGBT en Honduras](#)", [IACHR Condemns Killings and Other Acts of Violence against Human Rights Defenders of LGBT Persons in Honduras], March 7, 2016.

²²⁵ Frontline Defenders, "Actualización: Honduras – Atentado en contra del defensor de derechos LGBTI Francisco Mencia", [Update: Honduras – Attack on Defender of LGBTI Rights Francisco Mencia], October 15, 2015.

²²⁶ IACHR, Hearing "[Situación de derechos humanos de las personas LGBT en Honduras](#)", [Situation of human rights of LGBT persons in Honduras], April 5, 2016, 157th period of sessions.

²²⁷ IACHR, Press Release No.078/16, "[CIDH condena asesinato de defensor de derechos de personas LGBT en Honduras](#)", [IACHR Condemns Killing of Defender of Rights of LGBT Persons], June 15, 2016.

²²⁸ UN, Committee on Economic, Social and Cultural Rights, "Concluding observations on the second periodic report of Honduras," E/C.12/HND/CO/2, July 11, 2016, para. 9.

²²⁹ IACHR, Press Release No. 027/16, "[CIDH condena asesinatos y otros actos de violencia contra defensores y defensoras de derechos de personas LGBT en Honduras](#)", [IACHR Condemns Killings and Other Acts of Violence against Defenders of LGBT Persons' Rights in Honduras], March 7, 2016.

²³⁰ Report on the Situation of Violent Deaths Hate Crimes based on Sexual Orientation and Gender Identity in Honduras, APUVIMEH, Tegucigalpa, Honduras, November 2015, pg. 27.

²³¹ IACHR, Hearing "[Situación de derechos humanos de las personas LGBT en Honduras](#)" [Situation of human rights of LGBT persons in Honduras], April 5, 2016, 157th Period of Sessions.

²³² As of the date of the drafting of this report, the IACHR has granted five precautionary measures to human rights defenders of LGBT persons in Honduras, which remain in force, to wit: MC-621-03, Ellyn Suárez Mejía extended to Raúl Coto Oscar Carrión Ramón Valladares and Oscar Orellana, members of the Sampedrana gay community Ellyn Suárez Mejía and members of the Sampedrana Gay

130. The Commission notes that the State of Honduras did not report on the status of the processes of investigation into the deaths of defenders of the human rights of LGBT persons, nor did it describe what measures it took to prevent recurrence of these crimes and to trigger protection mechanisms against potential threats, to which the defender(s) could be subjected.

131. The Commission is pleased at the initiatives taken and the advancement made by the State of Honduras in recognizing the rights of LGBT persons, especially training public officials on the subject, creating the Office of the Ombudsman of Sexual Diversity, support for the review of the Law on Gender Identity, changes to the Law of the National Identification Register of Persons, and efforts to address the high rates of impunity in acts of violence against persons because of their sexual orientation and gender identity, either real or perceived. Notwithstanding, the IACHR views with concern the context of systematic violence against defenders of the rights of LGBT persons and the high rates of violence that LGBT persons living in Honduras face, which takes place in a context of alleged impunity and failure of the competent authorities to investigate.

132. Based on all of the preceding, the Commission urges the Honduran State to continue to work to adopt measures aimed at ensuring effective respect and, consequently, the exercise of the human rights of LGBT persons. Additionally, the IACHR calls on the State to implement urgent measures, in consultation with the defenders of the rights of LGBT persons, to address the high rates of violence faced by them.

6. Rights of Children and Adolescents

- Establish a System of Promotion and Protection for the rights of children and adolescents in the three level of government for the implementation and coordination of public policies, with an emphasis on the local level, which guarantee the right to life free of violence and prevent forced migrations of this sector. The coordinated effort will help to address the structural causes of violence by means of legal, political, administrative, social and cultural measures. For this purpose, provide the DINAf with the necessary resources to execute its mandate. Evaluate how it is functioning and possible areas that require strengthening in coordination with civil society organizations.
- Strengthen the capacity to protect and defend the rights of children and adolescents, in particular by providing judges, prosecutors, and defenders who are specialized in the topic to lift the obstacles that prevent effective access to justice by children and adolescents.
- Develop the necessary skills to provide opportunities and training for the neediest children, through the agencies specializing in the rights and needs of children, as a further step in this process.
- Adopt safety and control measures necessary to guarantee the life and integrity of children and adolescents deprived of their liberty, particularly those who are exposed to generalized violence by gangs or maras.
- Ensure the rehabilitation centres' conditions meet at least the basic international standards on human rights.
- Appoint specialized judges in the enforcement of judgments in juvenile jurisdiction, who systematically monitor the human rights situation in these establishments.

133. In its report *Situation of Human Rights in Honduras*, the Commission wrote that the context of violence and insecurity existing in Honduras places children and adolescents in a particularly vulnerable position, especially if we take into account that children represent 48% of the country's total population. This report noted that 1,031 children, adolescents and young adults (ages 18 to 23) lost their lives violently in the

Community Elkyn Johalby Suárez Mejía and members of the Sampedrana gay Community; MC-210-08, Marlon Cardoza and other members of the Association CEPRES; MC-18-10, Indyra Mendoza Aguilar and others; MC-403-09, Donny Reyes and Patrick Pavón; MC-457-13, Members of the Association for a Better Life (APUVIMEH).

country from January to December 2014.²³³ In light of this situation, the Inter-American Commission raised concern over a particularly fragile institutional structure of the Honduran State with regard to protection and promotion of the rights of children and adolescents.²³⁴ Likewise, the Commission expressed deep concern over conditions observed at the Center for Rehabilitation of Children and Adolescents Renaciendo. During its visit to this facility, the delegation ascertained that after the violent riot, which took place in July 2012, the facilities are still in highly deplorable conditions.²³⁵

134. The IACHR recognizes the steps forward taken by the Honduran State with regard to the situation of human rights of children and adolescents, as well as an improvement in the indicators in the areas of health and education. It is also pleased at the decrease in the number of complaints by children and adolescents in conflict with the law, which from 2014 to 2015 had reached 1,026, while in the first 8 months of 2016, dropped to 210, representing a decrease of 70%.²³⁶ In particular, this Commission views as positive the information it received from the Honduran State indicating that, through the Office of the Undersecretary for Social Integration of the SEDIS, the Executive Branch is implementing the Comprehensive Care and Social Protection Project for children in situation of vulnerability, poverty, intrafamily violence, unaccompanied migrants and children at social risk, in order to provide opportunities through the creation of Daycare Centers that operate in the major cities of the country, such as La Ceiba, Distrito Central, San Pedro Sula, Copán. This project has three components to it, which are: a) provide comprehensive care and social protection to children living in a situation of vulnerability; b) provide comprehensive care to young people and women experiencing a situation of vulnerability, intrafamily violence and social risk and c) implementation of a strategy of sensitization and education of children, young people and women on life skills, values and spirituality.²³⁷

135. The Commission also recognizes that in July 2016, the Government of Honduras entered into the PRONIÑEZ agreement with the Government of Canada, which will be implemented over a period of 6 years from 2016 to 2021 and will benefit 470,240 families and 866,714 children and adolescents in 35 pilot municipalities. Based on information from the Honduran State, the program will be implemented in coordination by the Office of Children, Adolescents and Family (hereinafter “DINAF”) together with local governments in order to strengthen local protection systems for the rights of children and adolescents in Honduras. Among other components, this program seeks to enhance the specialized criminal justice system response, increase capacity of public institutions for implementation of the comprehensive protection model for children, empower children by making them aware of their rights and the mechanisms to exercise them, as well as the organizations and community networks for the development of protective settings in the family and the community of the prioritized municipalities.²³⁸

136. Notwithstanding, the IACHR reiterates its concern over the difficulties faced by DINAF, in particular, with regard to a lack of sufficient resources to effectively function and the coordination with the relevant governmental and non-governmental entities. This concern has also been expressed by the United

²³³ IACHR, [Situación de derechos humanos en Honduras](#), [Situation of Human Rights in Honduras] OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 98.

²³⁴ IACHR, [Situación de derechos humanos en Honduras](#), [Situation of Human Rights in Honduras] OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 327.

²³⁵ IACHR, [Situación de derechos humanos en Honduras](#), [Situation of Human Rights in Honduras] OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 562.

²³⁶ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 122.

²³⁷ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, paras. 126 and 127.

²³⁸ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, paras. 137 and 138.

Nations Committee on the Rights of the Child, in its concluding observations.²³⁹ This Committee instructed the Honduran State to allocate sufficient human and technical resources to the Office of Children, Adolescents and Family to complete the process of institutional reform and for the effective functioning thereof; as well as to guarantee broad participation of entities and organizations that work on behalf of the rights of the child; and to request technical cooperation from the United Nations Children's Fund (hereinafter "UNICEF") in this process.²⁴⁰ According to civil society organizations, with the funds allocated, DINAF will barely be able to perform the duty it was created for, much less be able fund the programs and services that were subcontracted out through the municipal governments, churches and non-governmental organizations.²⁴¹

137. As for building the capacity to protect and defend the rights of children and adolescents and access to justice, the State reports that through the National Office of the Ombudsman for Children and Adolescents of the CONADEH, and with the support of UNICEF, 14 training courses were conducted in Francisco Morazán, Yoro, Intibucá, Lempira, Choluteca, El Paraíso and Olancho, to educate Municipal Commissioners, department and district directors of education, to teach them about the rights of the child, reforms regarding children and families and the procedure to file complaints with CONADEH, successfully training 540 public officials in those Departments by the end of 2015. In that same setting, CONADEH has given training to children to teach them about their rights and instill a culture of lodging complaints, when warranted. Of the total of 35,783 persons trained in 2015, 3,201 of them were children and adolescents.²⁴² In this regard, CONADEH notes that in 2015, 1,819 complaints or reports were received from the total population for alleged violations of the rights of children nationwide. These complaints were linked to violations of the right to life, humane treatment and education, among other ones.²⁴³

138. Even though it recognizes the training and outreach efforts described above, this Commission reiterates the importance for judges, prosecutors and defense attorneys to be specialized in the subject matter, in order to move forward in removing the obstacles hindering effective access to justice for children and adolescents.

139. The Inter-American Commission also reiterates its concern over the situation of adolescents deprived of liberty. As a result of the monitoring at child protection and live-in detention facilities, the MNP-CONAPREV has voiced concern that juveniles in conflict with the law under the age of 18 are deprived of liberty in maximum security cells, with the restrictions inherent to a facility of this type, which would run contrary to the provisions of the Code of Children and Adolescents as well as the international obligations undertaken by the State of Honduras.²⁴⁴ The MNP-CONAPREV also noted with alarm the substantial increase in the population of adolescents in conflict with the law, for whom the measure of live-in detention has ceased to be the exception and become the first option, giving rise to demand for space and care, which goes substantially beyond the available capacity at juvenile offender facilities in the country. Consequently,

²³⁹ United Nations, Committee on the Rights of the Child, [Observaciones finales sobre los informes periódicos cuarto y quinto combinados de Honduras](#), [Concluding Observations on the combined fourth and fifth periodic reports of Honduras] CRC/C/HND/CO/4-5, July 3, 2015, para.11.

²⁴⁰ United Nations, Committee on the Rights of the Child, [Observaciones finales sobre los informes periódicos cuarto y quinto combinados de Honduras](#), [Concluding Observations on the combined fourth and fifth periodic reports of Honduras] CRC/C/HND/CO/4-5, July 3, 2015, para.12.

²⁴¹ Criterio, [Gobierno receta una drástica reducción en presupuesto orientado a la niñez y adolescencia](#), [Government prescribes drastic budget cut for children and adolescents], November 19, 2015.

²⁴² Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 121.

²⁴³ National Human Rights Commissioner (CONADEH), [Informe Anual 2015-2016](#), [2015-2016 Annual Report] March 2016, pg. 113.

²⁴⁴ MNP-CONAPREV, [Observaciones y recomendaciones del MNP-CONAPREV A la Dirección de Niñez, Adolescencia y Familia DINAF sobre la situación de niños y niñas en centros de internamiento y custodia](#), [Observations and recommendations of the MNP-CONAPREV to the Office of Children Adolescents and Family DINAF regarding the situation of children at detention facilities and in custody], August 6, 2015, para. 1(a).

adequate treatment is not provided for reeducation and reintegration into society.²⁴⁵ This concern has been shared by the United Nations Committee against Torture, which called attention to the increase in the number of adolescents at live-in detention centers, 90% of whom are serving time in these institutions for belonging to the ‘*maras*’ or youth gangs and urged the State to fully abide by the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).²⁴⁶

140. The State wrote in its report to the IACHR that one of the security and control measures that has been adopted to ensure the lives and safety of adolescents vis-à-vis the violence caused by gangs or *maras* at detention centers, includes segregating inmates in different modules or cell blocks based on orientation or social group, and implementation of measures of control through the network of specialized prison guards. The State further noted that there is ongoing oversight and support from the entities in charge of safeguarding the rights of adolescents at detention facilities such as CONADEH and the MNP-CONAPREV, as well as that every Pedagogic Center has an infrastructure section charged with providing maintenance on each module where adolescents are housed.²⁴⁷

141. The IACHR expresses its deep concern over the situation of children and adolescents in conflict with the law and deprived of liberty, and urges the State of Honduras to adopt the necessary measures of security and control to ensure the lives and safety of children and adolescents deprived of liberty, in particular, those who are exposed to widespread violence by gangs or *maras*, as well as reiterating its recommendations to appoint judges specialized in juvenile sentence execution, who are systematically in charge of monitoring human rights situation at these facilities. The IACHR further emphasizes the importance of the DINAF being provided the necessary resources to be able to fulfill its mandate.

7. Rights of migrants, asylum seekers, refugees and internally displaced persons

- Adopt the policies and measures necessary to deal with the factors whereby people are forced to migrate from Honduras. In this regard, it is particularly important that such problems as inequality, poverty, and violence are addressed.
- Develop regional instruments and mechanisms to combat the criminal activities of transnational criminal organizations involved in migrant abductions, trafficking in persons, and migrant smuggling.
- Increase the DINAF’s human, administrative, and financial resources so that its officers can provide returnee children and adolescents with comprehensive attention, in accordance with its obligations under the Protocol on Repatriation.
- Improve its mechanisms and capacity for detecting trafficking victims and survivors and people who might be vulnerable to trafficking.
- Develop education and job training programs and ensure that repatriated children have access to them.
- Implement reintegration programs for adult Honduran migrants in all the departments and municipalities where repatriated migrants are to be found. For repatriated Honduran migrants with disabilities, ensure that they are given the social services that they need, including health care, together with other education programs so they can acquire training in other skills that will enable them to contribute to society anew and enjoy a decent life.

²⁴⁵ MNP-CONAPREV, [Observaciones y recomendaciones del MNP-CONAPREV A la Dirección de Niñez, Adolescencia y Familia DINAF sobre la situación de niños y niñas en centros de internamiento y custodia](#), [Observations and recommendations of the MNP-CONAPREV to the Office of Children Adolescents and Family DINAF regarding the situation of children at detention facilities and in custody], August 6, 2015, para. 1(b).

²⁴⁶ United Nations, Committee against Torture, [Observaciones finales sobre el segundo informe periódico de Honduras](#), [Concluding observations on the second periodic report of Honduras], 58th period of sessions, August 10, 2016, para. 23.

²⁴⁷ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, paras. 128 and 131.

- As regards disappeared and unlocatable migrants and unidentified remains, the Honduran State must implement a national mechanism to facilitate the exchange of forensic information on the unidentified remains of Hondurans who have disappeared in Mexico or the United States with other similar mechanisms that exist in such countries as Mexico or the United States, together with any others that may be created. This national mechanism must be integrated with a similar regional mechanism to allow forensic information to be exchanged between the countries of Central and North America. The management of both mechanisms must involve representatives of civil society.
- Prepare a national diagnostic assessment to examine internal displacement in Honduras and, subsequently, to adopt a national policy and the measures necessary to respond in accordance with the applicable international standards, in particular the Guiding Principles on Internal Displacement.
- Enact specific legislation at the national level to deal with internal displacement, in accordance with the Guiding Principles on Internal Displacement.
- The Commission reiterates its call for the region's states—in particular, the United States, Mexico, and other Central American countries that Honduran migrants cross—to adopt, in conjunction with Honduras:
 - All the policies, laws, and practices necessary to guarantee the right to safe and orderly migration and to comply with their other international obligations as regards protecting the human rights of migrants who leave, cross, or enter their territories; and
 - Take joint responsibility of States in managing migratory flows which can under no circumstances lead to the failure of those states to comply with their human rights obligations toward people under their jurisdiction.

142. In the report *Situation of Human Rights in Honduras*, the IACHR expresses its concern over the factors forcing migrants to leave Honduras, *inter alia*, the high levels of inequality, poverty, violence, lack of opportunities and the effects of high-impact natural disasters. In particular, the Commission has noted that the situation of widespread violence occurring in many areas of Honduras in recent years has led to a significant increase in the number of Honduran asylum seekers and refugees in other countries of the region.²⁴⁸ This Commission also raises concern about the various forms of violence to which migrants are exposed in transit through other countries. In this regard the Commission notes that during recent years, around 400 Honduran migrants have been reported missing on their way to the United States and no official measure has been taken to search for these individuals or even to establish a technical team to discover and identify their remains. As such, another situation of deep concern to the Commission has to do with the precarious situation and lack of public assistance for returning migrants who face special needs and challenges, such as minors, individuals who are under threat, and persons with disabilities, in many cases disabilities they acquired in transit to the United States, for example.²⁴⁹

143. As for the factors forcing migrants to leave Honduras, the State reported to the IACHR that in order to combat the problems of poverty, through the Healthy Housing Program (*Programa Vivienda Saludable*), from 2014 to June 2015, a total of 193,280 families living in extreme poverty have benefitted from the construction and handover of 1,866 housing units; 16,183 healthy roves; 43,704 healthy floors; 24,255 latrines (outhouses); 26,105 sinks; 37,272 Eco stoves and 43,895 water filters. Additionally, at the close of 2015, the State program Better Life (*Vida Mejor*) successfully completed delivery of 160,700 healthy houses as well as helped to start 7000 microenterprises. The State also reported that in the first quarter of 2016, delivery was carried out of 57 whole houses, 722 healthy floors, 100 decent roofs, 873 healthy sinks, 27 decent filters, 1,627 Eco stoves and 441 latrines.²⁵⁰ The IAHR commends the Honduran State on its efforts to

²⁴⁸ IACHR, [Situación de derechos humanos en Honduras](#), [Situation of human rights in Honduras], OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 143.

²⁴⁹ IACHR, [Situación de derechos humanos en Honduras](#), [Situation of human rights in Honduras], OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 146.

²⁵⁰ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 158.

combat the cause of migration, in particular, poverty, through the Healthy House and Better Life programs. However, it reiterates its concern over the factors forcing people to migrate from Honduras and reiterates the importance of addressing issues such as inequality and violence in such a way as to overcome the government welfare approach and develop a comprehensive, inter-agency policy with a human rights approach to address all of the structural causes of migration.

144. In this regard, the CONADEH reported that many Hondurans are currently being internally displaced and/or are emigrating to other countries because they are victims of violence, threats and intimidation, murders of family members, extortions, rape and homicide of women and girls, and uncertainty and widespread insecurity, often as a result of illegal activities of gangs or maras and/or organized crime. Recognizing the efforts of the Government in taking back returned migrants, CONADEH noted that these efforts are inadequate: the process of intake is slow, most staff working at the center are volunteers and have no human rights training and, therefore, there is concern that the migrants are not receiving adequate treatment upon their return to the country.²⁵¹

145. The United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of their Families also voiced its concern over the high levels of poverty, unemployment, informal employment and inequality, as well as the high rate of homicides and different forms of violence (social, gender, intrafamily, institutional violence), land conflicts, discrimination against Afrodescendants, indigenous peoples and LGTBI persons, as well as attempts at family reunification and the need for a labor in the destination country, particularly in the informal sector, as causes for migration. In this regard, the Committee noted the lack of a comprehensive policy aimed at turning the situation around with regard to these causes and the limited attention these causes have received on the regional agenda on migration and recommended the State to develop a comprehensive, inter-institutional policy with a rights approach in order to address all of the structural causes of migration.²⁵²

146. In addition, the United Nations Special Rapporteur on the human rights of internally displaced persons asserted in 2016 that even though the causes for internal displacement in Honduras are quite different from the causes related to conflicts or disasters observed in other countries experiencing internal displacement, the repercussions on the lives of those affected are no less catastrophic.²⁵³ On his visit to Honduras, members of several communities described to the Rapporteur situations of violence, threats and intimidation, killings of family members, extortions, sexual violence, murder of women and girls and a climate of fear and insecurity, frequently as a consequence of the activities of the gangs known as maras and, therefore, they were forced to leave their homes and head to other areas of the country or, after exhausting all of their options in Honduras, to seek refuge outside of the country. Many described a climate of effects similar to those experienced in some situations of armed conflict.²⁵⁴

147. Civil society organizations have also claimed that there are migration situations affecting most directly children and adolescents, given the fact that they are targets, for example, of the criminal groups and, even of arbitrary practices of the security forces of the State. As such, the organization Casa Alianza asserts that most child and adolescent migrants are fleeing a vulnerable situation in Honduras rather than pursuing a better life in the United States. One of the main reasons to migrate is related to violence. In support of this, 65% of children and adolescents interviewed in a survey stated that their main reason for

²⁵¹ National Human Rights Commissioner (CONADEH), [Informe Anual 2015-2016](#), [2015-2016 Annual Report], March 2016, pg. 125.

²⁵² United Nations, Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, [Observaciones finales sobre el informe inicial de Honduras](#), [Concluding observations on the initial report of Honduras], CMW/C/HND/CO/1, September 13, 2016, paras. 52 and 53.

²⁵³ United Nations, Special Rapporteur on the human rights of internally displaced persons, [Informe del Relator Especial sobre los derechos humanos de los desplazados internos acerca de su misión a Honduras](#), [Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Honduras,] A/HRC/32/35/Add.4, April 5, 2016, para. 5.

²⁵⁴ United Nations, Special Rapporteur on the human rights of internally displaced persons, [Informe del Relator Especial sobre los derechos humanos de los desplazados internos acerca de su misión a Honduras](#), [Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Honduras,] A/HRC/32/35/Add.4, April 5, 2016, para. 5.

deciding to migrate was to escape the situations of violence in their communities.²⁵⁵ The most prevalent situations included death threats by criminal groups, crime triggered by confrontations between maras and gangs, common crime, and intrafamily violence.²⁵⁶

148. As for kidnapping, human smuggling and human trafficking, in its report to the IACHR, the State notes that the National Women's Institute (INAM) formed a partnership with the Inter-Agency Commission against the Sexual Exploitation and Trafficking of Persons (CICEST) with a view toward strengthening the area combating human trafficking in 10 priority target municipalities. According to CICEST data, in 2015 there were 40 complaints filed, which are in the process of investigation, of which 18 were for human trafficking and 22 for commercial sexual exploitation. There were 15 convictions, of which 8 were for human trafficking and 7, for commercial sexual exploitation and 6,690 persons received sensitivity training on the subject matter.²⁵⁷ The Commission also takes note of the information submitted by the State on the Unit against Commercial Sexual Exploitation and Trafficking in Persons, which operates under the Ministry of Public Prosecution and is made up of 2 prosecutors, 2 analysts, 6 investigators and 4 agents of the Technical Criminal Investigation Agency.²⁵⁸ The State reports that for migrant abductions, it does not have a register of complaints within the Office of the Special Prosecutor against Organized Crime.²⁵⁹

149. Regarding reintegration programs for returning Honduran migrants, the State reported that the Office of Assistance for Returning Migrants has taken over the management of the "Belen" Center for the Care of Migrant Children and Families, which is in charge of intake of returning children, adolescents and families from the United States, Mexico and Guatemala, and whose overhaul was made possible by support from the International Organization for Migration, in keeping with international standards and existing needs. The reopening ceremony was conducted in February of this year. According to the Honduran State, this Center has achieved an optimal level of service, which is the first step for successful reintegration.²⁶⁰ Additionally, Returning Migrant Service Centers (CAMR)²⁶¹ provide returning disadvantaged Honduran migrants from the United States of America and from Mexico transportation services to their home towns, food, shelter, free telephone calls and snacks.²⁶² The State has also coordinated with the Commission for the Support of Returning Migrants with Disabilities, a support package for returning Hondurans with disabilities in order to ensure their reintegration.²⁶³

²⁵⁵ Casa Alianza Honduras, Pastoral de Movilidad Humana, Catholic Relief Services, [Niñas y niños migrantes: factores de expulsión y desafíos para su reinserción en Honduras](#), [‘Migrant children: factors forcing them to migrate and challenges for their reintegration in Honduras’] January 2016, pg. 31.

²⁵⁶ Casa Alianza Honduras, Pastoral de Movilidad Humana, Catholic Relief Services, [Niñas y niños migrantes: factores de expulsión y desafíos para su reinserción en Honduras](#), [‘Migrant children: factors forcing them to migrate and challenges for their reintegration in Honduras’], January 2016, pg. 31.

²⁵⁷ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, paras. 145 and 148.

²⁵⁸ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 142.

²⁵⁹ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 164.

²⁶⁰ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 150.

²⁶¹ They are a not profit organization, managed by four institutions: Association of Scalabrinian Sisters, National Institute of Migration, Secretariat of Foreign Relations and the International Organization for Migration IOM.

²⁶² Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 152.

²⁶³ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, paras. 151 and 157.

150. Likewise, the United Nations Committee on the Protection of the Rights of All Migrant Workers and their Family Members urged the State in 2016 to set up its efforts to overhaul support programs to returning Honduran migrant workers to bring these programs in line with the principles of the international Convention on the protection of the rights of all migrant workers and their family members for their sustainable reintegration into the economic, social and cultural fabric of Honduras, as well as the strengthening of measures for effective reintegration of migrant workers, who return with a disability, including through access to a decent job with employment security and production of information about the impact of existing programs.²⁶⁴

151. The Inter-American Commission reiterates all of the recommendations issued about migrants, asylum seekers, refugees and forced internal displacement. In particular, this Commission underscores the importance to adopt policies and measures, as required, in order to address the factors forcing persons to migrate from Honduras, especially by addressing the issues of inequality, poverty and violence.

8. Bajo Aguán

- Step up its efforts to resolve the land conflict in Bajo Aguán. To this end, the State must take steps to resolve the causes of the conflict and apply the principle of equality and nondiscrimination, in order to address the obstacles and barriers to the exercise, respect, and upholding of the economic, social, and cultural rights of the campesino communities of Bajo Aguán.
- Conduct serious and effective investigations into the killings and other human rights violations committed in Bajo Aguán.
- Guarantee respect for the rights of children and youths, in particular their right to education and to health, by equipping schools and health facilities with adequate staffs and budgets, with personnel who are trained in dealing with campesino communities.

152. Regarding the situation in Bajo Aguán, at the hearing on the “Human Rights Situation in Bajo Aguán - Honduras” held in March 2016, participating civil society organizations noted that the land conflict situation in the region had escalated. From 2010 to 2016, the Committee of Relatives of the Disappeared in Honduras (COFADEH) documented the criminalization of around 700 persons, and in the past year, 6 violent assaults on human rights defenders, 3 kidnappings, 16 cases of surveillance and following, 5 cases of military infiltrators in the land defense movement, and in the past two years, there have been 16 evictions of campesino and garífuna families.²⁶⁵ The petitioning organizations contended that women defenders in particular are subjected to certain types of violence and forms of exclusion and rejection, because they call into question accepted sociocultural norms, traditions, perceptions and stereotypes regarding femininity. For example, they claimed that women’s rights defenders are intimidated and their children and families are threatened, and that many women defenders have been the victims of rape or other forms of sexual violence.²⁶⁶

153. The petitioners also asked the State to address structural problems, which jeopardize the lives and safety of human rights defenders in the area of Bajo Aguán; to proceed to enact the draft bill of the Law on integrated agrarian transformation with a gender approach; to demilitarize the area of Bajo Aguán and to install an office of the ombudsman to provide legal assistance to campesinos who have been

²⁶⁴ United Nations, Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, [Observaciones finales sobre el informe inicial de Honduras](#), [Concluding observations on the initial report of Honduras], CMW/C/HND/CO/1, September 13, 2016, paras. 50 and 51.

²⁶⁵ Data provided by the representatives of civil society during the 157th Regular Session, held in April 2016, in their submission of the “Situation of Human Rights in el Bajo Aguán –Honduras”.

²⁶⁶ IACHR, Public Hearing, 157th Regular Session, [Situación de Derechos Humanos en el Bajo Aguán](#), Situation of Human Rights in Bajo Aguán –Honduras, April 5, 2016.

criminalized.²⁶⁷ Based on information made available to the IACHR by CEJIL in October 2016, agrarian conflict in Aguán has still not been addressed. CEJIL noted that the Agrarian Institution is mostly focused on titling individual property of small producers and collecting debts owed to the State for titles granted in favor of the interests of the landholders and their farms.²⁶⁸

154. For its part, the State reported to the Commission that through the Ministry of Public Prosecution the Unit of Violent Deaths of Bajo Aguán was created, which has been successful at building a consensus with the different police, military and civilian authorities of the area, as well as campesino groups and human rights defense entities, on “points of vital importance such as respect for guarantees and individual and collective rights of campesinos, [and] this has caused rates of crimes against life linked to the conflict to decrease to almost zero.”²⁶⁹ According to the State, the Unit has successfully prosecuted cases – though no number was provided- for which, it claimed, 5 convictions have been secured and the other cases related to the conflict are still under investigation. Additionally, a rotation of shifts has been created in the courts so the court is in session every single day without exception.²⁷⁰ The State also reported that even though efforts are being made to comply with its due diligence obligations, some family members do not help in attempts to uncover the truth of crimes. For example, it contended that next of kin do not provide statements to the competent authorities or do not cooperate in order to be able to conduct exhumations to identify the victims’ remains.²⁷¹

155. The IACHR takes into account that because of the situation of violence, conflict and impunity in many instances, the affected persons may be jeopardizing their lives or safety with their statements while no effective means of protection are available and this situation leads to distrust of the authorities. The State must provide the necessary guarantees so that the affected persons are able to testify without any risk. Additionally, the State must promote investigation and determine the appropriate liability so that crimes of violence do not go unpunished.

156. The State informed the IACHR that since the Violent Deaths Unit of Bajo Aguan was created until September 2015 that no deaths had occurred in the area. From September 2015 until April 2016, there have been two deaths in Aguan, of which one case is under investigation and the other is being prosecuted.²⁷² The State also reported that the Violent Deaths Unit en Aguan is handling a total of 121 cases of which 24 complaints have been forwarded by the Permanent Observatory on Human Rights of Bajo Aguan. According to the State, there are two cases with a conviction, 19 people have been arrested and there are outstanding arrest orders for 23 persons.

157. Because the figures provided by the State are older, they don’t include the murders committed against José Ángel Flores and Silmer Dionisio George, President and member, respectively, of the Unified Campesino Movement of El Aguan (MUCA). Both of these men were beneficiaries of precautionary measures granted by the IACHR on May 8, 2014 and had reported repeatedly and publically the serious situation of risk they were facing. Through a press release dated November 3, 2016, the IACHR repudiated this killing and urged Honduras to adopt the necessary measures to ensure the right to life, integrity and

²⁶⁷ IACHR, Public Hearing, 157th Regular Session, [Situación de Derechos Humanos en el Bajo Aguán](#), Situation of Human Rights in Bajo Aguán –Honduras, April 5, 2016.

²⁶⁸ CEJIL, Observations on the report Situation of Human Rights in Honduras, October 14, 2016.

²⁶⁹ Government of the Republic of Honduras, Report on the status of compliance with the recommendations issued in the report Situation of Human Rights in Honduras IACHR, August 17, 2016.

²⁷⁰ Government of the Republic of Honduras, Report on the status of compliance with the recommendations issued in the report Situation of Human Rights in Honduras IACHR, August 17, 2016.

²⁷¹ Government of the Republic of Honduras, Report on the status of compliance with the recommendations issued in the report Situation of Human Rights in Honduras IACHR, August 17, 2016, Also see IACHR, Public Hearing, 157th Regular Session, [Situación de Derechos Humanos en el Bajo Aguán](#), Situation of Human Rights in Bajo Aguán –Honduras, April 5, 2016.

²⁷² IACHR, Public Hearing, 157th Regular Session, [Situación de Derechos Humanos en el Bajo Aguán](#), [Human rights situation in Bajo Aguan], Honduras, April 5, 2016.

security of all human rights defenders in the country.²⁷³ The IACHR took note of the letter sent by the Permanent Mission of Honduras to the Organization of American States (OAS), expressing its condemnation of the killing of both defenders and noting the steps taken to investigate these crimes and urged the State to Investigate, prosecute and punish those responsible.

158. According to the State, the Secretariat for Human Rights is continuing to work with the Inter-Agency Committee for the Prevention and Alternative Resolution of Conflict with a Human Rights Approach. In May 2016, a training workshop was provided to 35 persons including public servants and civil society organizations on the early warning system and alternative social conflict resolution with a human rights-based approach.²⁷⁴ With respect to health care services, the State reported that the SESAL is in the process of reorganization of its health care services through the implementation of a new National Health Care Model, which includes greater coordination of services with the community in order to make access to selected health care benefits universal and defined by consensus. Additionally, the Secretariat of Health through the Health Regions have been determining the need for new health care facilities based on a situational analysis to meet the needs of the population pursuant to ethnic group and interculturality.²⁷⁵

159. Based on the foregoing, the IACHR urges the State to comply with the recommendations set forth, in particular, with regard to stepping up its efforts to resolve the land conflict in Bajo Aguán. Furthermore, it calls upon the State to investigate the killings and other human rights violations committed in the area. As the IACHR stated in its recommendations, the starting point must be adoption of measures to resolve the cause of the conflict and apply the principle of equality and non-discrimination, in order to address the obstacles and barriers in the exercise, respect and guarantees of economic, social and cultural rights of campesino communities of Bajo Aguan. It includes ensuring the right to education and health of the population.

9. Rights of Persons Deprived of Liberty

- The IACHR reiterates to the State the series of recommendations it formulated in the Report on the Situation of Persons Deprived of Liberty in Honduras. Also, in light to the nature of the context and its complementarity, the IACHR urges the State to fully comply with the Inter-American Court's decision in the case Pacheco Teruel and others. In this decision the Court ordered the implementation of a series of measures of general scope to be applied to the Prison System. Its compliance is essential to guarantee the life and integrity of the persons deprived of liberty in situations of emergency.
- Adopt the administrative, legal, and judicial measures necessary—for either the short, medium, or long terms—to stabilize and reduce the growth in the prison population, in accordance with the remarks made in this chapter.
- Review, amend, or, if applicable, repeal Decree 65-2013, which establishes obligatory preventive custody for 21 offenses, in accordance with the relevant international obligations assumed by the State and the applicable international standards.
- Adopt, with resolve and on an urgent basis, the measures necessary to reassert internal control over all prison facilities, so that it is the State that controls internal security at prisons and all those prison administration functions that cannot be delegated to the inmates. Accordingly, the Commission emphatically urges the State to eradicate once and for all the practice of delegating disciplinary authority to inmates, particularly the power to impose sanctions.

²⁷³ IACHR, Press Release 161-16, [CIDH repudia el asesinato de José Ángel Flores y Silmer Dionisio George en Honduras](#), [IACHR Repudiates Killing of Jose Angel Flores and Silmer Dionisio George in Honduras], November 3, 2016.

²⁷⁴ Government of the Republic of Honduras, Report on the status of compliance with the recommendations issued in the report Situation of Human Rights in Honduras IACHR, August 17, 2016.

²⁷⁵ Government of the Republic of Honduras, Report on the status of compliance with the recommendations issued in the report Situation of Human Rights in Honduras IACHR, August 17, 2016.

- Ensure the effective separation of men and women inmates, particularly at the San Pedro Sula National Penitentiary and the Progreso Penal Center. In addition, take the steps necessary to keep remand prisoners and convicts separate.
- Establish a strategy for removing the armed forces from prison duty that clearly and transparently defines the specific objectives sought through the use of this exceptional measure.
- Allow, without any unnecessary or arbitrary restrictions, the entry of the CONAPREV, the National Commissioner for Human Rights, sentence oversight judges, and officials of the Secretariat of the Interior, Human Rights, Justice, and Decentralization to all the country's detention centers, in particular to the detention facilities that have been set up on bases of the armed forces.
- Conduct a diligent, prompt, and impartial investigation of the events that occurred at the Comayagua National Penitentiary on February 14, 2012; provide suitable medical and psychological attention to the surviving inmates and to the families of those who lost their lives in the fire; and provide the victims and their next-of-kin with redress.
- Equip the National Torture Prevention Mechanism (CONAPREV) with the resources, tools, and institutional support necessary for that agency, created pursuant to an international treaty, to be able to discharge its mandate effectively.
- Ratify the Inter-American Convention to Prevent and Punish Torture, to which Honduras has been a signatory since March 11, 1986.

160. In the report *Situation of Human Rights in Honduras*, the IACHR raised concern over some of the most serious problems faced by the Honduran prison system, such as the dangerous delegation of internal control of prison facilities to the inmates themselves (uncontrolled self-governance) and the correlative lack of responsible management by authorities, overcrowding, deplorable conditions of imprisonment and the failure to differentiate between categories of persons deprived of liberty, including the failure to separate men from women at some prison facilities. The Commission also noted the sharp rise in the overall inmate population, the progressive use of the Armed Forces for security duties at prisons, the high proportion of unconvicted inmates, the situation of children and adolescents deprived of liberty and the lack of expeditiousness and effectiveness in the investigations of the fire of Comayagua.²⁷⁶

161. The Commission hails the legislative and administrative measures adopted by the State of Honduras to address the country's grave prison situation, as well as the investigation and prosecution undertaken into the prison fire that broke out at Comayagua Penitentiary. The Honduran State reported that formal charges were brought against the former director of the prison facility and the guard responsible for carrying the keys, who decided to not open the blocks, both being charged with the crimes of negligent homicide and dereliction of duty; as well as against two external supervisors, also charged with the crime of dereliction of duty. The IACHR takes note of the friendly settlement agreement reached between the State and the representatives of the victims of the fire of February 14, 2012, which provides for monetary compensation of around 72 million lampiras, construction of 360 healthy housing units, incorporation into the social protection system of 'Better Life' (*Vida Mejor*), scholarships for the victims' children to attend school, among other things.²⁷⁷ In its 2015 Country Report, the IACHR noted that the case was being heard by competent authorities and reiterates the State's obligation to investigate with due diligence this fire that took place at Comayagua more than four years ago.

162. Nonetheless, the IACHR regrets that the State of Honduras has been unable to provide information about several of the recommendations included in the report *Situation of Human Rights in Honduras*, among other ones, regarding the adoption of measures to regain internal control over prison facilities, to effectively segregate female from male inmates, equipping the National Mechanism for the

²⁷⁶ IACHR, [Situación de derechos humanos en Honduras](#), [Human Rights Situation in Honduras], OEA/Ser.L/V/II, Doc. 42/15, December 31, 2015, para. 507.

²⁷⁷ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, paras. 180 and 181.

Prevention of Torture (CONAPREV) with the resources, means and institutional support required for it to properly function, or regarding any steps taken toward ratification of the Inter-American Convention to Prevent and Punish Torture, of which Honduras has been a signatory since March 11, 1986.

163. In its report to the Commission, the Honduran State claimed that the new Criminal Code it is currently drafting adopts a new prison policy providing for punishments other than prison terms and the decriminalization of first time offenders of minor crimes or misdemeanors through suspended sentences, probation, alternatives to incarceration or plea bargains, whereby a reduction of a prison sentence is granted when the defendant cooperates with the entities of operation of justice in identifying other criminals and does not commit any other crimes.²⁷⁸ The IACHR commends the State of Honduras for providing the information on approval of Legislative Decree No. 100-2016 of July 27, 2016, amending paragraphs four and seven, as well as deleting paragraph six of Article 184 of the Code of Criminal Procedure on the subject of preventive detention. Under this amendment, the number of persons in preventive detention would be decreased and judges would be afforded greater leeway to apply precautionary measures that are proportional to the particular circumstances in order to ensure the presence of the defendant at the trial proceedings and to obtain sources of evidence in a more normal way.²⁷⁹

164. Notwithstanding the recognition of the efforts described above, the Inter-American Commission continues to be concerned over the serious prison situation in the country, especially over the high levels of overcrowding and the conditions of inmates deprived of liberty. Similarly, the United Nations Committee against Torture also voiced its concern over the difficult conditions in which persons deprived of liberty are held in Honduran jails, in particular, issues stemming from overcrowding.²⁸⁰

165. The annual report to the Nation of the National Mechanism for the Prevention of Torture (MNP-CONAPREV) notes that the issue of overcrowded prisons is still present in 2015, and is being further exacerbated by an increase in some on 1,000 new inmates, growing needs of the prison population for education, food, infrastructure and health, as well as needs of inmates' family members, who visit their loved ones. According to this agency, these conditions also reflect a pervasive system of self-governance inside prison facilities, the presence of different types of weapons and acts of violence both among inmates and between inmates and members of the State security forces.²⁸¹

166. The IACHR notes that, based on the reports of the MNP-CONAPREV, following visits to several different prison facilities of the country, these facilities continue to be extremely overcrowded. According to this organization, the prison of La Esperanza holds 358 persons, though its maximum capacity is only 70 inmates;²⁸² the prison facility of El Yoro holds 215 inmates with a maximum capacity of 120;²⁸³ and the Marcala Prison holds 182 inmates with a maximum capacity of 62.²⁸⁴ The Santa Rosa prison facility has 27 cells which house 682 men and 25 women, totaling 703 persons deprived of liberty, of which only two cells are used to hold women. This situation of overcrowding and overpopulation runs counter to minimum

²⁷⁸ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 184.

²⁷⁹ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 185.

²⁸⁰ United Nations, Committee against Torture, [Observaciones finales sobre el segundo informe periódico de Honduras](#), [Concluding observations on the second periodic report of Honduras], 58th period of sessions, August 10, 2016, para. 19.

²⁸¹ MNP-CONAPREV, [Informe anual a la Nación 2015](#), [2015 Annual Report to the Nation], December 2015, pg. 21.

²⁸² MNP-CONAPREV, [Centro Penal La Esperanza. Intibuca](#), February 3-5, 2016, pg. 5.

²⁸³ MNP-CONAPREV, [Informe de visita de monitoreo con recomendaciones realizado en el centro penal de Yoro](#), [Report on monitoring visit with recommendations issued on Yoro penitentiary], February 11, 2016, pg. 3.

²⁸⁴ MNP-CONAPREV, [2do Informe de visita de monitoreo con recomendaciones emitidas en el marco de la inspección realizada en el centro penal de Marcala](#), [Second Report on monitoring visit with recommendations issued in the context of the inspection conducted at Marcala penitentiary], May 24-25, 2016, pg. 1.

standards of lodging, affecting the overall quality of life of the inmate population. The situation at this facility is causing behavioral and emotional disturbances, which can trigger at any moment conflicts among the persons deprived of liberty there.²⁸⁵ On its visit from January 6 to 8, 2016, to the prison of Trujillo, Colon, the MNP-CONAPREV remarked about the high level of overcrowding, after observing that 391 persons deprived of liberty at the facility are divided up into seven cells, built “in an area of 214 meters of construction.”²⁸⁶

167. Civil society organizations contend that prison overpopulation is the product of accelerated growth in the use of preventive detention, even though there are other types of measures, which could be used in its stead.²⁸⁷ The organizations note that the population of people deprived of liberty at detention and prison facilities has increased from 44% over capacity in 2012 to 82% over capacity in 2014. As of December 14, 2015, based on data from the Secretariat for Human Rights, Justice, Interior and Decentralization, the prison population stood at 16,100 inmates over a maximum capacity of 10,502, which works out to a rate of 65% of overcrowding. The organizations report, in particular, that the serious situation at prison facilities with the highest concentration of inmate population, such as the National Penitentiary of San Pedro Sula, where the fire broke out and gave rise to the IA Court of HR case of *Pacheco Teruel v. Honduras*, is 300% over maximum capacity.²⁸⁸ Moreover, other smaller prison facilities have reached an overcrowding rate of as much as 494% (for example, the Santa Barbara prison).²⁸⁹

168. Regarding the role of the Armed Forces at prisons, in its report *Situation of Human Rights in Honduras*, the IACHR called attention to the ongoing process of use of the military for public security duties, in general, and for prison guard duties, in particular. Issues raised by the report include the use of Army troops in security tasks at prison facilities, including juvenile facilities, as was observed by the IACHR delegation on its country visit.²⁹⁰ The State highlights in its report to the Commission the approval of the General Regulations to the Law of the National Penitentiary System under Executive Decision No. 322-2014, the Special Regulations of the Penitentiary Officer Career, issued under Executive Decree No. 1-2015 of November 12, 2015, and the Disciplinary Regulations for persons deprived of liberty, issued under Executive Decision No.2-2015 of November 12, 2015, which flesh out the Law of the National Penitentiary System. In this law, one specific chapter is devoted to regulation of career personnel of the prison service, providing that persons either on active duty or discharged from the police or military are ineligible from serving at prisons.²⁹¹

169. Notwithstanding, the IACHR takes note of information it received from international, public and civil society organizations claiming that despite the ineligibility of military members from entering the penitentiary service, the Armed Forces continue to participate in security tasks at prison facilities. In this regard, the United Nations Committee against Torture has said that even though it takes note of the approval in 2012 of the Law of the National Penitentiary System and the drafting of the National Penitentiary Policy, it views with concern that the Armed Forces and the police have taken on the control and management of

²⁸⁵ MNP-CONAPREV, [Informe sobre visita de monitoreo y seguimiento realizado en el centro penitenciario de Santa Rosa, Departamento de Copán](#), [Report on the monitoring visit and follow up conducted at the prison of Santa Rosa, Department of Copan], April 28-30, 2016, pgs. 2-3.

²⁸⁶ MNP-CONAPREV, [Informe visita de monitoreo y seguimiento de recomendaciones realizada en el centro penal de Trujillo, Colon](#), [Report on monitoring visit and follow up on recommendations conducted at the Trujillo prison, Colon], January 6-8, 2016, para. 2.

²⁸⁷ Plataforma EPU Honduras, [Informe alternativo de la sociedad civil hondureña al Comité contra la Tortura de la ONU](#), [Alternative report of Honduran civil society to the United Nations Committee against Torture, July 4, 2016, pg. 21.

²⁸⁸ IA Court of HR. *Case of Pacheco Teruel et al v. Honduras*. Merits, Reparations and Costs. Judgment of April 27, 2012. Series C No. 241.

²⁸⁹ Plataforma EPU Honduras, [Informe alternativo de la sociedad civil hondureña al Comité contra la Tortura de la ONU](#), [Alternative report of Honduran civil society to the United Nations Committee against Torture, July 4, 2016, pg. 22.

²⁹⁰ IACHR, [Situación de derechos humanos en Honduras](#), Human Rights Situation in Honduras, OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 545.

²⁹¹ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, para. 177.

prison facilities, which nonetheless, in some instances present situations of self-governance, as well as concern over the fact that preventive detention facilities have been set up on military bases for defendants charged with common crimes.²⁹² In its annual report, MNP-CONAPREV writes that under the Armed Forces' mandate to carry out duties of public security, in exercising this role, problems of abuse of force have arisen among the members the military forces assigned to prison guard duties, in addition to other problems. The report specifically points out a complaint against members of the Armed Forces for a physical assault on a detainee in the city of Tegucigalpa.²⁹³ It further notes that there are 4 preventive detention facilities, which operate on three military battalion bases and one special national police command post.²⁹⁴

170. Civil society organizations note that even though the decision authorizes the creation of preventive detention facilities on military premises, it provides that said facilities are to be guarded by penitentiary officers or personnel. CONAPREV and the Center for the Prevention, Treatment and Rehabilitation of Victims of Torture (CPTRT) itself have established that it is military members who are guarding the detainees at these facilities.²⁹⁵ Based on a communiqué of CONAPREV, in April 2015, there were a total of 102 persons deprived of liberty at the four preventive detention mentioned above, but civil society organizations estimate that the number is currently much higher.²⁹⁶ In its annual report to the Nation, the MNP-CONAPREV recommended that the Executive Branch of Government should resume the process of transitioning from military and police control over prisons to civilian control until completing it and making sure prisons operate effectively, including compliance with obligations by properly enforcing the National Penitentiary System Law and the general regulation thereof, and vetting and hiring the necessary technical personnel.²⁹⁷

171. For its part, the State reported to this Commission that CONADEH conducts monthly inspections of prisons at different modules, both in the women's and the men's blocks, just as it does in the modules where the prison clinics operate; and that in the first quarter of 2016, the Secretariat for Human Rights, Justice, Interior and Decentralization (SDHJGD) monitored four inspections in person; three visits to the Penitentiary Annex at the Second Special Air Transport Tactical Battalion, in Tamará Francisco Morazan and a visit to the Penitentiary Annex at the First Battalion of the Infantry. Recommendations are drawn up, based on these inspections, and are forwarded to the National Penitentiary Institute (INP).²⁹⁸ In its annual report, the CONADEH asserts that it takes part as a consistent observer of the work of the MPN-CONAPREV, in addition to conducting inspections at the country's detention and prison facilities.²⁹⁹ In this report, CONADEH states that it has verified on those visits that little has changed with regard to prison facilities and the issues appear to becoming more serious, inasmuch as it is public knowledge that inmates are involved in organized crime activities, such as extortions, kidnappings, murder for hire, among other ones, standing as proof of the poor governance at these prison facilities.³⁰⁰

172. This Commission also deems it necessary for the national torture prevention mechanism to be endowed with the necessary resources to perform its duties, as well as equip the necessary mechanisms to

²⁹² United Nations, Committee against Torture, [Observaciones finales sobre el segundo informe periódico de Honduras](#), [Concluding observations on the second periodic report of Honduras], 58th period of sessions, August 10, 2016, para. 13.

²⁹³ MNP-CONAPREV, [Informe anual a la Nación 2015](#), [2015 Annual Report to the Nation], December 2015, pg. 19.

²⁹⁴ MNP-CONAPREV, [Informe anual a la Nación 2015](#), [2015 Annual Report to the Nation], December 2015, pg. 20.

²⁹⁵ Plataforma EPU Honduras, [Informe alternativo de la sociedad civil hondureña al Comité contra la Tortura de la ONU](#), [Alternative report of Honduran civil society to the United Nations Committee against Torture, July 4, 2016, pg. 23.

²⁹⁶ Plataforma EPU Honduras, [Informe alternativo de la sociedad civil hondureña al Comité contra la Tortura de la ONU](#), [Alternative report of Honduran civil society to the United Nations Committee against Torture, July 4, 2016, pg. 23.

²⁹⁷ MNP-CONAPREV, [Informe anual a la Nación 2015](#), [2015 Annual Report to the Nation], December 2015, pg. 55.

²⁹⁸ Government of the Republic of Honduras, Secretariat for Human Rights, Justice, Government and Decentralization, Report on the Status of Compliance with the Recommendations Issued in the Report on the Situation of Human Rights in Honduras-IACHR, August 17, 2016, paras. 187 and 189.

²⁹⁹ National Human Rights Commissioner (CONADEH), [Informe Anual 2015-2016](#), [Annual Report] March 2016, pg. 134.

³⁰⁰ National Human Rights Commissioner (CONADEH), [Informe Anual 2015-2016](#), [Annual Report] March 2016, pgs. 134-135.

ensure its autonomy and independence. The MNP-CONPAREV has stated that its current budget allocation considerably constrains the operations it is able to conduct, mainly its ability to follow the strategic and operational planning of its mandate: torture prevention. With the approved budget amount, it is unable to ensure the hiring of a minimum team of technical specialists (Medicine, Social Work, Psychology, Pedagogy, Planning) or to maintain the regional office created in the city of San Pedro Sula, or even effectively conduct a minimum of monitoring of the Local Prevention Boards created in four cities of the country.³⁰¹

173. Civil society organizations note that in order to expand the geographic scope of its work, the MNP-CONAPREV launched an initiative in 2015 to establish local torture prevention committees in different regions of the country. The purpose of these committees is to strengthen the work of the MNP-CONAPREV with respect to monitoring visits and to help with putting into effect at the local level the recommendations issued by said organization. Nonetheless, two of these local committees are operating only through the support of external funding for 2016.³⁰² The Committee against Torture has also expressed its concern over the information received by CONAPREV-MNP itself indicating that the allocated funding is inadequate for normal operation of the institution. The Committee also raises the point that current system of selection and appointment of the three experts making up CONAPREV does not seem to include the necessary procedures to ensure functional independence and an absence of conflicts of interests of the candidates.³⁰³

174. The IACHR regrets that the State has not provided information on the steps it has taken to provide for the segregation of men from women inmates. The IACHR reiterates the importance of advancing in this regard. This concern was also raised by the United Nations Committee against Torture in its concluding observations to the State of Honduras.³⁰⁴ On this score, CONAPREV-MNP emphasized that it is urgent for eight women deprived of liberty at the El Trujillo prison facility to be removed, inasmuch as they are highly vulnerable, at risk of being victims of sexual assault by the male inmate population, as they remain in direct contact with the men. One of these women is under evaluation by CONAPREV, because she was the victim of a sexual assault, leading to mental disorders and pregnancy, and the decision was made, allegedly with the consent of her mother, to sterilize her. The claim that her mother gave consent has yet to be confirmed.³⁰⁵ Complaints of similar situations of failure to segregate opposite sexes, among other complaints, have been made at the prison facilities of Yoro,³⁰⁶ or at the Marcala Prison Center.³⁰⁷

175. This Commission reiterates its recommendation to the State of Honduras to fully comply with the order of the Inter-American Court in its judgment in the case of Pacheco Teruel et al, as to the part of this judgment pertaining to the prison system. The IACHR also stresses the importance for the State to continue to adopt every measure necessary to reduce the prison population, as well as to regain internal control of all prison facilities, ensure the effective segregation of female from male inmates, and convicted

³⁰¹ MNP-CONAPREV, [Informe alternativo al segundo informe periódico de Honduras en cumplimiento con la Convención contra la Tortura y Otros Tratos o Penas Crueles](#), Inhumanos o Degradantes, [Alternative report of Honduran civil society to the United Nations Committee against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment], June 2016, pg. 11.

³⁰² Asociación para la prevención de la tortura [Association for the prevention of Torture, APT], [APT submission on Honduras](#), July 4, 2016, pg. 4.

³⁰³ United Nations, Committee against Torture, [Observaciones finales sobre el segundo informe periódico de Honduras](#), Concluding observations on the second periodic report of Honduras, 58th period of sessions, August 10, 2016, para. 29.

³⁰⁴ United Nations, Committee against Torture, [Observaciones finales sobre el segundo informe periódico de Honduras](#), Concluding observations on the second periodic report of Honduras, 58th period of sessions, August 10, 2016, para. 19.

³⁰⁵ MNP-CONAPREV, [Informe visita de monitoreo y seguimiento de recomendaciones realizada en el centro penal de Trujillo, Colon](#), [Report on monitoring visit and follow up on recommendations to the prison facilities of Trujillo, Colon], January 6-8, 2016, para. 8.

³⁰⁶ MNP-CONAPREV, [Informe de visita de monitoreo con recomendaciones realizado en el centro penal de Yoro](#), Report on monitoring visit and follow up on recommendations to the prison facilities of Yoro], February 11, 2016, pg. 3.

³⁰⁷ MNP-CONAPREV, [2do Informe de visita de monitoreo con recomendaciones emitidas en el marco de la inspección realizada en el centro penal de Marcala](#), [Report on monitoring visit and follow up on recommendations to the prison facilities of Marcala], May 24-25, 2016, pg. 1.

from non-convicted inmates, and equip the National Torture Prevention Mechanism with the necessary resources so it is able to carry out its mandate of visits to facilities where persons are deprived of liberty.

10. Right to Freedom of Expression

- Adopt a public discourse that helps prevent violence against journalists, including recognizing reporting work and publicly condemning killings and all physical violence against journalists, and refraining from all statements that could raise risk levels for media workers.
- Adopt training and education programs and formulate and implement guidelines and manuals for public officials—in particular, for the police and security forces—on respect toward the media, including those specifically related to gender issues.
- Ensure that effective and specific protective measures are adopted, on an urgent basis, to ensure the security of those who are at particular risk on account of their exercise of the right of free expression, regardless of whether the threats are made by state agents or private citizens. Those measures must guarantee journalists the possibility of continuing to pursue their professional activities and exercise their right of free expression.
- Take the steps necessary so that media workers who have been forced to relocate or go into exile because of the risks they face can safely return to their homes. Should the return of those individuals not be possible, the State must adopt measures so they can remain in the places they choose in decent conditions, with security measures, and with the economic support necessary to maintain their work and their family lives.
- Conduct diligent, impartial, and effective investigations into killings, attacks, threats, and acts of intimidation committed against journalists and media workers, in accordance with the content of this report. This assumes the existence of special investigation units and protocols, together with the identification and exhaustion of all possible criminal hypotheses linking the attack to the victim's professional activities.
- Provide appropriate technical training and formulate and implement guidelines and manuals on crimes against freedom of expression, including those specifically related to gender issues, for the public officials charged with investigating and prosecuting such crimes, including police officers, prosecutors, and judges.
- Strengthen the Technical Criminal Investigation Agency of the Public Prosecution Service, equip it with sufficient human and material resources, and clearly define its competence in the investigation of crimes against freedom of expression.
- Prepare and maintain precise statistics on violence against journalists and the prosecution of those offenses, and create reliable indicators on the different factors that lead to violent or criminal acts.
- Continue working in concert with international human rights organizations on the formulation and implementation of effective measures to eradicate the impunity surrounding crimes against journalists and media workers.

Killings

176. Student Jairo Ramírez, of the National Agricultural University was abducted by a group of unknown individuals on March 3 and was found dead a few days later, in Catacamas, Department of Olancho. While the motives of the crime are unknown, the organization Committee for Free Expression or C-Libre reported that the abduction occurred shortly after the student took part in a protest over the killing of environmentalist Berta Cáceres.³⁰⁸

177. On June 16, photographer and television producer Dorian Hernández was murdered in the community of Lepaera, Department of Lempira. Hernández had worked as a producer at *GRT* and *Copán TV*

³⁰⁸ La Tribuna. March 7, 2016. [Misterio rodea la muerte de estudiante de Universidad de Agricultura](#); [Mystery surrounds killing of Ag University Student'], Committee for Free Expression (C-Libre). March 16, 2016. [Universitario asesinado tras participar en protesta por muerte de Berta Cáceres](#). [University student murdered after participating in protest over the killing of Berta Cáceres].

television channels. His body was found roadside, and had been shot several times. The motives for the murder are unknown.³⁰⁹ On June 19, in the municipality of Morazán, in Yoro, the lifeless body of TV broadcaster Elmer Cruz, host of programs on *Tele Morazán 10* and *Max TV 22* was found. Cruz had been shot in his head. The motives for the crime are also unknown, although the Police did rule out the motive of robbery.³¹⁰ On July 5, Henry Roberto Reyes Salazar, radio announcer for *Estéreo Control 100.7 FM*, of the municipality of Jesús de Otoro, in the Department of Intibucá, was murdered. Based on Police investigations, the radio host was shot with a firearm by unknown suspects, who allegedly assaulted him to steal his motorcycle.³¹¹

178. To the Inter-American Commission, it is essential for the Honduran State to thoroughly, effectively and impartially investigate these crimes that affect Honduran society as a whole, uncover the motives thereof and determine through judicial proceedings what link the crimes could have to journalistic activity and freedom of expression. The authorities must not rule out the practice of journalism as a motive of the murder and/or assaults, prior to completing their investigation. To leave out logical lines of investigation, or exhibit a lack of diligence in gathering evidence about this, can have serious repercussions on the course of the proceedings at the stage of formal accusation or the trial itself.³¹² To not thoroughly exhaust the lines of investigation can particularly lead to failing to identify the mastermind(s) behind the crime.³¹³

179. The IACHR and its Office of the Special Rapporteur recall that state officials must unequivocally repudiate attacks perpetrated as retaliation for the exercise of freedom of expression, and must refrain from making statements that could heighten the vulnerability of those being persecuted for exercising their right to freedom of expression. States must clearly reflect in their legal systems and practices that crimes against freedom of expression are especially serious, inasmuch as they undermine all fundamental rights.³¹⁴

³⁰⁹ Tiempo. June 16, 2016. [Matan a conocido fotógrafo en carretera que conduce a Lempira](#) ['Well known photographer murdered on the highway to Lempira']; Committee for Free Expression (C-Libre). June 16, 2016. [Asesinan periodista que trabajó en canal de familia presidencial](#) ['Journalist, who worked at presidential family channel, murdered'] La Prensa. June 16, 2016. [Hallan ultimado a un fotógrafo hondureño en Lempira](#) ['Body of Honduran photographer found murdered in Lempira']

³¹⁰ Tiempo. June 19, 2016. [Hallan cadáver de presentador de TV en Morazán, Yoro](#); ['Body of TV host found in Morazan, Yoro']; Prensa Libre/EFE. June 19, 2016. [Hallan muerto a un presentador de televisión en Honduras](#). ['Television host found dead in Honduras'].

Committee for Free Expression (C-Libre). June 19, 2016. [Asesinan periodista](#) ['Journalist murdered']

³¹¹ IFEX/Committee for Free Expression (C-Libre). July 11, 2016. [Asesinan locutor en la zona occidental de Honduras](#) ['Radio announcer murdered in the western zone of Honduras'], La Tribuna. July 5, 2016. [Ultiman a locutor de radio en Intibucá](#) ['Radio host killed in Intibuca'].

³¹² IACHR. Office of the Special Rapporteur for Freedom of Expression. [Estudio Especial sobre la Situación de las Investigaciones sobre el Asesinato de Periodistas por motivos que pudieran estar relacionados con la Actividad Periodística \(Período 1995-2005\)](#). Special Study on the Status of Investigations into the Murder of Journalists during the 1995-2005 Period for Reasons that May be Related to their Work in Journalism, OEA/Ser.L/V/II.131. Doc. 35. March 8, 2008, para. 116.

³¹³ IACHR. Office of the Special Rapporteur for Freedom of Expression. [Estudio Especial sobre la Situación de las Investigaciones sobre el Asesinato de Periodistas por motivos que pudieran estar relacionados con la Actividad Periodística \(Período 1995-2005\)](#). Special Study on the Status of Investigations into the Murder of Journalists during the 1995-2005 Period for Reasons that May be Related to their Work in Journalism, OEA/Ser.L/V/II.131. Doc. 35. March 8, 2008, para. 125-126; IACHR. Office of the Special Rapporteur for Freedom of Expression. [Impunidad, Autocensura y Conflicto Armado Interno: Análisis de la Situación de la Libertad de Expresión en Colombia](#). Impunity, Self-censorship and Internal Armed conflict: Analysis of Freedom of Expression in Colombia. OEA/Ser.L/V/II Doc.51. August 31, 2005, paras. 65-66.

³¹⁴ United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media, Organization of American States Special Rapporteur for Freedom of Expression and African Commission of Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. June 25, 2012. [Declaración Conjunta sobre Delitos contra la Libertad de Expresión](#) [Joint Declaration on Crimes against Freedom of Expression'].

Assaults, threats and intimidation against journalists and the media

180. On December 2, 2015, journalist Ernesto Alonso Rojas, Channel *HCH* correspondent in San Pedro Sula, was the victim of journalistic equipment theft.³¹⁵ On December 6, 2015, unknown individuals allegedly ransacked the car of journalist Elsa Oseguera, also from TV channel *HCH*, and left her a note with a death threat. The director of the channel, Eduardo Maldonado, reported that Oseguera had received death threats previously and had recently been transferred from San Pedro Sula to Tegucigalpa for reasons of personal safety.³¹⁶

181. Journalist of *Canal 36* Ely Vallejo reported that on January 28, agents of the Police Investigation Office (DPI) prevented her from doing her job and from recording a police operation.³¹⁷

182. Radio broadcasters Rolando Gutiérrez and Selvin Milla of community radio stations *Voz Lenca* and *Radio Guarajambala* were assaulted, temporarily arrested and robbed of their work materials by military members of the Presidential Honor Guard on February 4, while covering First Lady Ana Garcia at Valero Meza school in La Esperanza, Department of Intibucá. Based on available information, the broadcasters were arrested for violating Article 100 of the Law of Policing and Social Coexistence, which establishes that anyone who is found “wandering suspiciously, if he does not give a reason for his presence, will be taken to the police station, in order to be identified and will be subjected to surveillance in defense of society,” the organization C-Libre reported.³¹⁸

183. The Civic Council of Popular and Indigenous Organizations of Honduras (COPINH) denounced in March that the workers of community radio stations *La Voz Lenca*, *Guarajambala*, *La Voz Lenca en FM*, *La Voz del Gualcarque* and *La Voz de Puca Opalaca* had been the victims of harassment by the Police, who systematically block them from doing their jobs as journalists.³¹⁹

184. According to available information, on March 12 journalist Cesar Obando Flores of *Radio Popular del Aguán*, *Canal 37* and *Radio Progreso* were harassed and prevented from doing their job by members of the Municipal Police of Tocoa and the Military Police, while he was covering the presentation of the result of an audit conducted by the Superior Tribunal of Audits on the municipality of Tocoa, Colon.³²⁰ Two days later, he was the victim of threats and had to seek refuge at the headquarters of the Coordinator for

³¹⁵ Committee for Free Expression (C-Libre). December 9, 2015. [Robo de equipo y amenazas a muerte sufren periodistas de canal HCH en sólo cuatro días](#) [Journalists of HCH victims of equipment theft and death threats in just four days].

³¹⁶ Tiempo Digital. December 7, 2015. [Honduras: Amenazan de muerte a la periodista Elsa Oseguera \(VIDEO\)](#) [Honduras: Journalist Els Oseguera (VIDEO) receives death threat]. La Prensa. December 7, 2015. [Amenazan a muerte a periodista Elsa Oseguera](#) [Journalist Elsa Oseguera threatened with death].

³¹⁷ Committee for Free Expression (C-Libre). January 31, 2016. [Periodista agredido por policías de investigación](#) [Journalist assaulted by investigative police].

³¹⁸ Civic Council of Popular and Indigenous Organizations of Honduras (COPINH). February 5, 2016. [Copinh: Urgente! Jóvenes miembros del equipo de comunicación del Copinh detenidos por la Guardia Presidencial](#) [COPINH: Urgent! Young members of the COPINH communication team arrested by Presidential Guard]; Pasos de Animal Grande. February 4, 2016. ["Por ser de la oposición" comunicadores del COPINH detenidos por la Guardia Presidencial, Ejército y Policía Nacional en reunión de la primera dama](#) [“For belonging to the opposition” communicators of COPINH arrested by Presidential Guard, Army and National Police at meeting of first lady]; Committee for Free Expression (C-Libre). February 4, 2016. [Comunicadores indígenas sufren destrucción de material informativo, detención ilegal y falsa imputación](#) [Indigenous communicators suffer destruction of journalistic material, illegal detention and false accusation].

³¹⁹ Committee for Free Expression (C-Libre). March 16, 2016. [Comunicadores de cinco radios comunitarias sufren hostigamiento policial](#) [Broadcasters of five community radio stations suffer police harassment]; Committee for Free Expression (C-Libre). March 16, 2016. [Comunicador de radio comunitaria del COPINH amenazado por militares](#) [Community radio broadcaster of COPINH threatened by military].

³²⁰ Committee for Free Expression (C-Libre). March 9, 2016. [Policía Municipal y Policía Militar obstruyen labor informativa de comunicador](#) [Municipal Police and Military Police block reporting of broadcaster]; Pasos de Animal Grande. May 5, 2016. [Caso Cesar Obando: Es una persecución silenciosa con campañas de desprestigio en mi contra](#) [Case of Cesar Obando: It's a silent persecution with smear campaigns against me].

Popular Organizations of Aguan. Flores has reported on alleged irregularities in the municipality of Tocoa and on mining related issues.³²¹

185. On April 11, journalist Gerardo Torres, correspondent of the international network of Venezuela *Telesur*, was approached and intimidated by two unknown individuals on a motorcycle.³²²

186. Journalist Marcos Escobar, member of the Alert Network to Protect Journalists and Social Communicators, left the country on May 8, allegedly out of fear of retaliation after receiving threats and warnings allegedly on behalf of a Deputy. Days earlier, on his program via *Canal 33*, of Catacamas, Olancho, the reporter had called into question deeds of the deputy.³²³

187. On May 2, journalist Félix Molina, director of the Asociación Alternativas en Comunicación (Alter-Eco) and host of a radio program called “Resistencia”, broadcast by *Radio Globo* and *Radio Progreso*, was attacked by armed individuals. Molina was wounded by several gunshots on both legs after being shot at by two unknown individuals, while he was riding in a taxi. Hours earlier, two individuals had attempted to shot him when he was in another taxi. That day, the journalist publically denounced the alleged link of politicians, businessmen and members of the military to the Agua Zarca hydroelectric project on the Gualcarque River, and to the murder of indigenous activist Berta Cáceres, this past March 3.³²⁴

188. In May, unidentified individuals threatened journalist Oscar Ortiz and cameraman Luis Jorge Torres, of *TV Azteca Honduras*, with guns and took away from them the vehicle they were riding in, their video camera and their cell phones.³²⁵

189. On June 1, journalist Digna Aguilar of the daily newspaper *El Heraldo* left the country because of alleged death threats against her and her family. According to information disclosed by the media, the broadcaster left the country with the collaboration of the State, through the Secretariat of Defense and Human Rights, as part of a precautionary measure, after learning that hers and her children’s lives were at risk. The threats against Aguilar are allegedly related to information published by the newspaper on police-related issues.³²⁶

³²¹ Committee for Free Expression (C-Libre). March 9, 2016. [Periodista del Valle del Aguan se refugia en organización popular con temor por su vida](#) [‘Journalist of Valle del Aguan seeks refuge at a popular organization out of fear for his life’]; Pasos de Animal Grande. May 5, 2016. [Caso Cesar Obando: Es una persecución silenciosa con campañas de desprestigio en mi contra](#) [‘Case of Cesar Obando: It’s a silent persecution with smear campaigns against me’].

³²² Committee for Free Expression (C-Libre). April 13, 2016. [Corresponsal de Telesur atacado por dos motociclistas](#) [‘Telesur correspondent assaulted by two men on a motorcycle’].

³²³ Committee for Free Expression (C-Libre). May 8, 2016. [Periodista sale forzosamente de Honduras amenazado a muerte por diputado del Partido Nacional](#) [‘Journalist forced to leave Honduras under death threat by deputy of National Party’]; Noti bomba. May 9, 2016. [Acusan a Diputado suplente de Reinaldo Sánchez de amenazar a muerte a periodista](#) [‘Reserve Deputy to Reinaldo Sanchez accused of making death threat to journalist’]; Noticias Honduras. May 8, 2016. [Diputado amenaza de muerte a periodista](#) [‘Deputy threatens to kill journalist’].

³²⁴ World Organization against Torture (OMCT)/ Observatory for the Protection of Human Rights Defenders. May 6, 2016. [Honduras: Doble intento de asesinato contra Félix Molina](#) [‘Honduras: double attempted murder against Felix Molina’]; La Prensa May 7, 2016. [“Esta vez no te vas a escapar”, dijeron atacantes a periodista Félix Molina](#) [‘“This time you won’t get away,” said attackers to journalist Felix Molina’]; La Tribuna. May 3, 2016. [Periodista que sufrió atentado pide al Estado una investigación](#) [‘Journalist who suffered attempt on his life asks State to investigate’]; Reporters Without Borders. May 6, 2016. [HONDURAS | RSF pide a las autoridades que investiguen el intento de asesinato del periodista Félix Molina](#) [‘Honduras/RWB asks authorities to investigate the attempted murder of journalist Felix Molina’].

³²⁵ Committee for Free Expression (C-Libre). September 12, 2016. [Roban carro a periodista de Casa Presidencial](#) [‘Car of Presidential Residence journalist robbed’].

³²⁶ Criterio. June 1, 2016. [Periodista abandona el país por amenazas a muerte](#) [‘Journalist leaves country under death threat’]; Tiempo. June 1, 2016. [Periodista abandona Honduras por supuestas amenazas](#) [‘Journalist leaves Honduras under death threats’]; Committee for Free Expression (C-Libre). June 6, 2016. [Otra comunicadora abandona Honduras por presuntas amenazas a muerte](#) [‘Another communicator leaves Honduras for alleged death threats’].

190. On June 9, cameraman Juan Carlos Álvarez of the television station *Mundo TV* was assaulted and attacked with firearms, while he was on his way to work in a taxi. The motive of the attack was allegedly robbery, though it was not ruled out that the motive could have been retaliation for his work.³²⁷

191. Also on June 9, journalist Benjamín Zepeda Carranza of *Globo TV* was assaulted by a police officer of the National Transit Directorate while he was traveling in a public bus, in Tegucigalpa. According to reports, the journalist recorded how the police assaulted the bus driver and in retaliation, the officer grabbed Mr. Zepeda by the neck and physically assaulted him, warning him not to film. The journalist reported the incident to Director of Traffic Leonel Saucedo, who had assured him that he would take administrative actions to punish the conduct of the officer.³²⁸

192. On June 11, members of the Military Police and National Police assaulted journalists Igmer Gerardo Chavez of *Radio Progreso* and Linda Donaire and Víctor Ordóñez of the daily newspaper *Libertad Digital*, beating them while they were covering a demonstration of neighborhood residents against the installation of a toll booth in the municipality of San Manuel, Department of Cortés.³²⁹

193. On July 13, sports reporter Rudy Urbina, who works at *Radio América* and at the daily newspaper *La Tribuna*, was assaulted by two unidentified individuals, who fired guns at him from a vehicle and wounded him in his right arm.³³⁰

194. On July 27, the daily newspaper *El Libertador* was the victim of theft of journalistic materials and equipment. According to the complaint of the media outlet, during the early morning hours, unidentified individuals broke into their offices and stole equipment where information was stored. The perpetrators of the robbery did not take any other property of great value that was in the offices and, therefore, the newspaper company has claimed that their intent was to take possession of information about the media company and its investigations. The stolen objects included three professional cameras, two laptops and a table, three cell phones, two external hard drives, four storage devices (USBs), and two camera lenses. The newspaper denounced that in its 13 years in existence, it had been the target of several attacks and threats against its journalists.³³¹

195. Journalist and human rights defender Milthon Robles, correspondent of the web site *Criterio.hn*, reported that he was the victim of an attempt on his life on August 21, when an unidentified individual attempted to run him over. The incident took place in San Pedro Sula, Department of Cortés.³³² On September 3, the journalist was threatened with a firearm by a person who was driving in the same automobile that had tried to run him over. According to reports from the organization Reporters Without

³²⁷ Committee for Free Expression (C-Libre). June 13, 2016. [Asaltan y hieren en la pierna a reportero de televisión](#) [TV reporter assaulted and wounded in the leg]; Tiempo. June 9, 2016. [Hieren de bala a camarógrafo del canal Mundo Tv](#) [Mundo Tv channel cameraman wounded by gunshot].

³²⁸ Committee for Free Expression (C-Libre). June 13, 2016. [Policía de tránsito ataca a periodista](#) [Traffic police attack journalist].

³²⁹ Committee for Free Expression (C-Libre). June 13, 2016. [Golpiza y brutalidad policial sufren tres periodistas](#) [Three journalists suffer police brutality and beating]; El Libertador. June 14, 2016. [Brutal golpiza reciben tres periodistas del norte de Honduras](#) [Three journalists from northern Honduras receive brutal beating]; Desinformémonos. June 14, 2016. [Policía hondureña golpea brutalmente a periodistas de Radio Progreso y Libertad Digital](#) [Honduran police brutally beat journalist of Radio Progreso and Libertad Digital].

³³⁰ La Tribuna. July 13, 2016. [Periodista de La Tribuna Rudy Urbina sufre atentado](#) [La Tribuna Rudy Urbina assaulted]; La Prensa. July 14, 2016. [Atacan a balazos al periodista hondureño Rudy Urbina en Tegucigalpa](#) [Honduran journalist Rudy Urbina assaulted with gunshots in Tegucigalpa]; Committee for Free Expression (C-Libre). July 14, 2016. [Hieren con arma de fuego a periodista deportivo](#) [Sports reporter wounded by gunshot].

³³¹ El Libertador. July 28, 2016. [Asalto sospechoso a periódico hondureño "El Libertador"](#) [Suspicious robbery of Honduran newspaper "El Libertador"]; Committee for Free Expression (C-Libre). August 3, 2016. [Periódico sufre robo de equipo e impunidad en investigación, juzgamiento y sanción de agresores](#). [Newspaper's equipment stolen and impunity in investigation, prosecution and punishment of robbers].

³³² Committee for Free Expression (C-Libre). August 22, 2016. [Periodista sufre atentado](#) [Attempt on journalist's life].

Borders, the attacks occurred after the journalist had investigated the “war taxes,” that are collected by local criminal groups and had implicated local government officials.³³³

196. According to several press outlets, in September, journalist Leonel Juarez, host of the program “Juárez informa” of television channel *TV Centro*, was forced to take his television program off the air and leave the city of Siguatepeque, in the Department of Comayagua, under alleged pressure from Mayor Juan Carlos Morales. According to the complaint of the journalist, as a result of his criticism of the mayor, he was the victim of threats and of a smear campaign allegedly orchestrated by the mayor.³³⁴ Additionally, journalists Anselmo Rubio, host of *Libre Opinión TV*, and Walter Ulloa Bueso, radio host of local radio station *Estéreo Cielo*, have been victims of similar harassment in apparent retaliation for reporting negative information about the mayor.³³⁵

197. On September 19, in the neighborhood of Miramontes of Tegucigalpa, unidentified individuals threatened journalist Belinda Rodríguez with a gun and stole her vehicle.³³⁶ On September 29, journalist of *Canal 11* Guillermo Paz Manueles was a victim of a robbery in the Las Colinas neighborhood of Tegucigalpa. The assailants allegedly beat the journalist and stole his vehicle.³³⁷

198. On October 19, journalist Ricardo Matute was shot while he was covering a traffic accident on a highway in the area of San Pedro Sula. Based on available information, Matute and another two members of the morning news team of news “TN5 Matutino,” of *Televisión Centro*, were attacked with gunfire by individuals who were riding in one of the cars that got into the accident. The assailants fled in the car of the journalists, which was found later close to the site of the accident.³³⁸

199. The IACHR reiterates its recommendation to the State to adopt a public discourse that helps prevent violence against journalists, including recognizing reporting work and publicly condemning killings and all physical violence against journalists, and refraining from all statements that could raise risk levels for media workers, and adopt training and education programs and formulate and implement guidelines and manuals for public officials—in particular, for the police and security forces—on respect toward the media, including those specifically related to gender issues.

200. Additionally, it stresses that the State must ensure that effective and specific protective measures are adopted, on an urgent basis, to ensure the security of those who are at particular risk on account of their exercise of the right of free expression, regardless of whether the threats are made by state agents or private citizens. Those measures must guarantee journalists the possibility of continuing to pursue their professional activities and exercise their right of free expression. Likewise, the State must take the steps necessary so that media workers who have been forced to relocate or go into exile because of the risks they

³³³ Reporters without Borders (RWB). September 16, 2016. [Las maniobras de las autoridades hondureñas para hacer callar a la voces críticas](#) [‘Ploys used by Honduran authorities to silence critical voices’].

³³⁴ Criterio. August 1, 2016. [Periodista cierra programa de TV ante acoso de alcalde de Siguatepeque](#) [‘Journalist closes down TV program after harassment from mayor of Siguatepeque’]; El Libertador. August 26, 2016. [Periodista huye por amenazas del alcalde de Siguatepeque](#) [‘Journalist flees under threat from mayor of Siguatepeque’]; Committee for Free Expression (C-Libre). August 22, 2016. [Periodista sufre desplazamiento forzoso por amenazas a muerte de alcalde de Siguatepeque](#) [‘Journalist forced to move under death threats from mayor of Siguatepeque’].

³³⁵ Reporters Without Borders (RWB). September 16, 2016. [Las maniobras de las autoridades hondureñas para hacer callar a la voces críticas](#) [‘Ploys by Honduran authorities to silence critical voices’].

³³⁶ Proceso Digital. September 19, 2016. [Le roban vehículo a periodista de televisión en Tegucigalpa](#) [‘Vehicle stolen from television journalist in Tegucigalpa’]; El Tiempo. September 29, 2016. [Roban vehículo de magistrada de la Corte Suprema de Justicia](#) [‘Supreme Court judge’s vehicle stolen’].

³³⁷ Proceso Digital. September 19, 2016. [Le roban vehículo a periodista de televisión en Tegucigalpa](#) [‘Vehicle of television journalist stolen from him in Tegucigalpa’], Committee for Free Expression (C-Libre). September 30, 2016. [Golpean y roban vehículo a periodista de Canal 11](#) [‘Vehicle of journalist of Channel 11 stolen and he is beaten’].

³³⁸ La Prensa. October 19, 2016. [Atacan a balazos a periodista hondureño en San Pedro Sula](#) [‘Honduran journalist shot in San Pedro Sula’], Punto por punto. October 19, 2016. [Periodista herido en Honduras en atentado](#). [‘Journalist wounded in attempt on his life in Honduras’].

face can safely return to their homes. Should the return of those individuals not be possible, the State must adopt measures so they can remain in the places they choose in decent conditions, with security measures, and with the economic support necessary to maintain their work and their family lives.

Administration of Justice

201. The IACHR has held on several opportunities that impunity in crimes against journalists has a widespread chilling effect, which restricts people's freedom of expression, the right to have access to information and the richness and vigor of public debate.

202. In its 2015 country report, the IACHR and the Office of the Special Rapporteur voiced their concern, because according to information provided by civil society organizations and CONADEH, nearly 96% of killings of journalists and media workers remain unpunished. The IACHR also expressed its concern over the fact that in none of these cases any mastermind has been identified or convicted. The IACHR has held that States have the obligation to investigate and criminally punish everyone who participates in a crime, including masterminds, accomplices, collaborators and those who later participate in covering up the human rights violations committed. States must also investigate the structures involved in the execution of the crimes or the criminal structures to which the perpetrators belong.³³⁹

203. In this regard, it emphasized that in adopting an adequate institutional framework to criminally investigate, try and punish crimes against journalists, the State has the duty to "clearly define the formal competence of the authorities in charge of investigating and prosecuting these crimes."³⁴⁰ The absence of clear rules of competence can give rise to delays and procedural errors, which can undermine investigations and thus lead to impunity. Moreover, the authorities ultimately assigned to the investigation must be those who can act with the most autonomy and independence.³⁴¹

204. It is essential for all institutions involved in the criminal investigation to have special protocols in place that require authorities to exhaust the line of investigation relating to practice of the profession in instances of crimes committed against journalists, as well as to have available to them adequate resources and specialized staff in the investigation of these types of matters.

205. In its report to follow up on the recommendations of the 2015 country report, the State informed the IACHR about the Project for Capacity Building of the Office of the Special Prosecutor for Human Rights (FEDH), which is being carried out, with the support of the European Union, in order to strengthen the ability to investigate. It also noted that the FEDH has one deputy prosecutor in court, who is in charge of investigation of crimes committed against journalists and social communicators and requests implementation of protection measures for that group of citizens, which are agreed upon by consensus with the beneficiaries. The State also reported that the Ministry of Public Prosecution (MP) trained journalists on the protocols and protection measures that help to reduce risk. As for impunity for crimes against journalists, the State indicated that the most recent data reflect that there are currently 54 complaints for killings of journalists and/or social communicators at the MP, of which 17 have been prosecuted and six convictions have been obtained. It also reported that the Office of the Special Prosecutor for Crimes against Life created and instituted special investigation protocols for crimes against the lives and integrity of journalists.³⁴²

³³⁹ IACHR. [Informe de país Honduras](#). [Country Report Honduras]. Situation of Human Rights in Honduras. OEA/Ser.L/V/II. Doc. 42/15 December 31, 2015. Para. 207.

³⁴⁰ IACHR. 2013 Annual Report. [Informe de la Relatoría Especial para la Libertad de Expresión](#). Report of the Office of the Special Rapporteur for Freedom of Expression. Chapter III (Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and administration of justice.) OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013, para. 183.

³⁴¹ IACHR. [Informe de país Honduras](#). Country Report on Honduras. Situation of Human Rights in Honduras. OEA/Ser.L/V/II. Doc. 42/15 December 31, 2015. Para. 212.

³⁴² Gobierno de la República de Honduras, Informe sobre el Estado de cumplimiento de las recomendaciones contenidas en el Informe Situación de Derechos Humanos en Honduras CIDH, 17 de agosto de 2016.

206. The IACHR and the Office of the Special Rapporteur have held that, as part of the comprehensive state policy to address violence against journalists, investigation, prosecution and punishment of those who commit these acts of violence must be included. The Office of the Special Rapporteur has repeatedly urged States to “carry out serious, impartial and effective investigations of murders, attacks, threats and acts of intimidation committed against journalists and media workers.”³⁴³ The Inter-American Court has held that impunity³⁴⁴—defined as the overall lack of investigation, tracking down, capture, prosecution and conviction— makes conditions ripe for chronic repetition of human rights violations and total defenselessness of the victims and their family members.³⁴⁵

207. The IACHR reiterates its recommendation to the State: conduct diligent, impartial and effective investigations into killings, attacks, threats, and acts of intimidation committed against journalists and media workers, in accordance with the content of this report. This assumes the existence of special investigation units and protocols, together with the identification and exhaustion of all possible criminal hypotheses linking the attack to the victim’s professional activities. Additionally, the State must promote the investigation, prosecution and conviction of the masterminds of murders of persons who are exercising the right to freedom of expression; provide appropriate technical training and formulate and implement guidelines and manuals on crimes against freedom of expression, including those specifically related to gender issues, for the public officials charged with investigating and prosecuting such crimes, including police officers, prosecutors, and judges; strengthen the Technical Criminal Investigation Agency of the Ministry of Public Prosecution, equip it with sufficient human and material resources and clearly define its legal authority with respect to the investigation of crimes against freedom of expression. Furthermore, all persons responsible for murders, assaults, threats and acts of intimidation based on the exercise of freedom of expression must be tried in impartial and independent courts; legal obstacles to investigation and punishment of said crimes must be removed, the victims and their next of kin must be ensured the most extensive participation possible in the investigation and court proceedings, adequate reparation must be provided and gender barriers, which hamper access to justice must be eliminated; accurate statistics on violence against journalists and prosecutions for these crimes must be prepared and maintained, and reliable indicators on the different factors that fuel violent or criminal acts must be created. Lastly, in the framework of the United Nations Plan of Action on Safety of Journalists and the Issue of Impunity, the State must continue working jointly with international human rights promotion and protection organizations on the creation and implementation of effective measures to eradicate impunity for crimes against journalists and communicators.

Legal actions relating to the exercise of freedom of expression

208. Over the course of 2016, the IACHR and its Office of the Special Rapporteur continued to observe with concern the use of legal actions linked to the exercise of freedom of expression, particularly private criminal actions for defamation of character and slander in Honduras. Based on the information received, these private criminal charges are used to criminalize and punish statements criticizing public

³⁴³ IACHR. [Informe Anual 2012. Informe de la Relatoría Especial para la Libertad de Expresión](#). Annual Report. Report of the Office of the Special Rapporteur for Freedom of Expression. Chapter V (Conclusions and Recommendations). OEA/Ser.L/V/II.147. Doc. 1. March 5, 2013. Para. 4, subsection c). *Also see*, IACHR. [Informe Anual 2009. Informe de la Relatoría Especial para la Libertad de Expresión](#). 2009 Annual Report of the Office of the Special Rapporteur for Freedom of Expression. Chapter VII (Conclusions and Recommendations). OEA/Ser.L/V/II. Doc. 51. December 30, 2009. Para. 4, subsection a); IACHR. [Informe Anual 2010. Informe de la Relatoría Especial para la Libertad de Expresión](#). 2010 Annual Report of the Office of the Special Rapporteur for Freedom of Expression. Chapter VI (Conclusions and Recommendations). OEA/Ser.L/V/II. Doc. 5. March 7, 2011. Para. 4, subsection a); IACHR. [Informe Anual 2011. Informe de la Relatoría Especial para la Libertad de Expresión](#). 2011 Annual Report of the Office of the Special Rapporteur for Freedom of Expression. Chapter V (Conclusions and Recommendations). OEA/Ser.L/V/II. Doc. 69. December 30, 2011. Para. 4.c).

³⁴⁴ IA Court of HR. *Case of Ivcher Bronstein v. Peru. Merits, Reparations and Costs*. Judgment of February 6, 2001. Series C No. 74. Para. 186; IA Court of HR. *Case of the Constitutional Court v. Peru. Merits, Reparations and Costs*. Judgment of January 31, 2001. Series C No. 71. Para. 123; IA Court of HR. *Case of Bámaca Velásquez v. Guatemala. Merits*. Judgment of November 25, 2000. Series C No. 70. Para. 211.

³⁴⁵ IACHR. 2013 Annual Report. [Informe de la Relatoría Especial para la Libertad de Expresión](#). Report of the Office of the Special Rapporteur for Freedom of Expression. Chapter III (Violence against journalists and media workers: Inter-American Standards and practices on prevention, protection and administration of justice). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013, para. 160.

officials and regarding matters of public interest, which disproportionately undermines the work of journalists and human rights defenders.

209. Journalist Selvin Euceda was sued through a private criminal complaint by the president of the National Association of Aquaculturists of Honduras, Javier Amador, after reporting on the program “Sin Censura” [‘uncensored’] of the television station *Canal 45*, in September 2015, that a criminal complaint had been brought against Mr. Amador for alleged embezzlement at the Office of Investigation of the Police (DPI). Amador demanded a public apology and payment for damages of 50,000 lempiras (around \$2,300 USD), and wants to force the journalist to release the documents and the sources of the information.³⁴⁶ On April 5, a settlement hearing was held, but the parties were unable to reach an agreement.³⁴⁷

210. On March 14, the Fourth Chamber of the Sentencing Court sentenced journalist David Romero Ellner, Director of *Radio Globo* and *Globo TV*, to a ten-year prison term for defamation of character in a private criminal lawsuit brought by former Honduran prosecutor Sonia Inez Gálvez in August 2014.³⁴⁸ On November 13, 2015, the Court found Romero Ellner guilty of six of the fifteen charges leveled against him. Gálvez brought a private criminal action against Romero after the journalist had affirmed that she and her husband, the Deputy Attorney General of the Ministry of Public Prosecution, were implicated in cases of corruption and influence peddling. According to the Galvezes’ story, Romero Ellner defamed and slandered her because 10 years ago she was the prosecutor in the case where he was convicted and sentenced to jail for raping his own daughter.³⁴⁹ On April 15, the journalist’s defense attorney filed a motion for review of the conviction by the Supreme Court.³⁵⁰

211. Venezuelan Robert Carmona Borjas, Vice President of Arcadia Foundation, based in the United States, filed suit on April 12 for defamation of character against journalist David Romero Ellner, after he accused him of being a “criminal” and of committing crimes against the Honduran State. On May 5, a settlement hearing was held, but the parties failed to reach an agreement.³⁵¹

212. On June 26, journalist Ariel Armando D’Vicente, director and host of the news program “Prensa Libre”, broadcast by television station *Libertad TV* in the city of Choluteca, was convicted by a local Sentencing Court and sentenced to a three-year prison term for defamation of character. The conviction also bans him from practicing journalism during that period of time. The suit was brought by the former Chief of Police of the Department of Choluteca, Oquellí Mejía Tinoco, after the journalist linked him to illegal cattle trafficking between Central American and Mexico. The Court also ordered the journalist to pay Mejía’s legal costs. In 2014, the reporter, who habitually reports on government corruption in Choluteca, made public

³⁴⁶ Committee for Free Expression (C-Libre). January 19, 2016. [Periodista querellado por presidente de Asociación Nacional de Acuicultores de Honduras](#) [Journalist sued by president of the National Association of Aquiculturists of Honduras]; Pasos de Animal Grande. February 24, 2016. [Delitos contra el honor creados para enmudecer a periodistas que denuncian ilegalidades y corrupción](#) [‘Crimes against honor created to silence journalists who decry illegal acts and corruption’].

³⁴⁷ Committee for Free Expression (C-Libre). April 7, 2016. [Ante jueza exigen a periodista revelar sus fuentes informativas](#) [‘Journalist forced to reveal sources of information before a judge’].

³⁴⁸ Committee for Free Expression. March 17, 2016. [Periodista de Honduras condenado a 10 años de prisión por difamación](#) [‘Honduran journalist sentenced to 10 years in jail for defamation’]; La Prensa. March 15, 2016. [Condenan a 10 años de prisión al periodista David Romero](#). [‘Journalist David Romero sentenced to 10 year jail term’]

³⁴⁹ IACHR. Informe Anual 2015. [Informe de la Relatoría Especial para la Libertad de Expresión. Capítulo II \(Evaluación sobre el estado de la Libertad de Expresión en el Hemisferio\)](#). Annual Report of the Office of the Special Rapporteur for Freedom of Expression. Chapter II (Evaluation of the status of freedom of expression in the Hemisphere. OEA/Ser.L/V/II. Doc. 48/15 December 31, 2015. Para. 823.

³⁵⁰ La Prensa. April 15, 2016. [Periodista David Romero interpone recurso de casación](#) [‘Journalist David Romero files appeal to Supreme Court’]; Tiempo Digital. April 15, 2016. [Defensa presenta recurso de casación contra sentencia a periodista David Romero](#). [‘Defense files appeal against conviction of journalist David Romero’].

³⁵¹ Committee for Free Expression (C-Libre). April 19, 2016. [Extranjero querrela a periodista que reveló escándalo de corrupción del Seguro Social](#) [‘Foreigner sues journalist who revealed corruption scandal of Social Security’]; El Heraldo. May 13, 2016. [Tras audiencia no hay conciliación en caso de Robert Carmona contra David Romero](#) [‘After hearing, no settlement in case of Robert Carmona against David Romero’]; Terra. May 13, 2016. [Sin acuerdo acto conciliación entre venezolano Carmona y periodista hondureño](#) [‘No agreement on settlement between Venezuelan Carmona and Honduran journalist’].

investigations accusing Mejía and the police officers under his command of receiving bribes from criminal groups trafficking the cattle. The police chief denied the accusations and sued the reporter, who announced he would appeal the conviction.³⁵²

213. Deputy of the governing party the Partido Nacional Oswaldo Ramos Soto filed on July 26 a private criminal complaint against journalist Armando Villanueva, after he made reference in a talk show that he hosts on *Canal 10* to alleged irregularities during the term of office of the legislator when he was the president of the National Autonomous University (UNAH).³⁵³ On August 12, the Supreme Court of Justice (CSJ) agreed to hear the suit, and on August 24, the Deputy and the journalist attended a settlement hearing, though they did not reach an agreement and, consequently, prepared to go to trial.³⁵⁴

214. The Commission appreciates the decision made by the Sentence Execution Court of Tegucigalpa on December 11, 2015, suspending the ban from practicing the profession imposed on journalist from Globo TV and member of PEN Honduras Julio Ernesto Alvarado, in compliance with a precautionary measure issued by the Inter-American Commission on Human Rights (IACHR) in November 2014. On December 13, Alvarado went back on the air with his program “Mi Nación” on the television network *Globo TV*.³⁵⁵ The journalist had been convicted in December 2013 by the Supreme Court of Justice and sentenced to 16 months in prison and suspension of his license to practice journalism for the crime of defamation of character. On November 5, 2014, the IACHR issued precautionary measures and requested the State to suspend sentence execution and to refrain from taking any action to ban the journalist from practicing his profession until the IACHR issued a ruling on the petition lodged by him. The Commission reiterated the precautionary measures on October 15, 2015.³⁵⁶

215. During the IACHR’s *in loco* visit to the country, the State reported on the draft Law prepared by the Secretariat of Justice and Human Rights of Honduras, which proposes amending the Criminal Code to decriminalize the offenses of slander, libel and defamation of character. As of the drafting of this report, the IACHR has no information on the process of approval of said legislative bill. The Inter-American Commission recommends the government to advance in said process of amendment, which can help to make sure that this type of legal action is heard in the civil jurisdiction, ensuring that criminal law is not used as a tool of intimidation to undermine freedom of expression, especially when it is used by public officials to silence criticism.

³⁵² Reporters Without Borders (RWB). September 16, 2016. [Las maniobras de las autoridades hondureñas para hacer callar a la voces críticas](#) [‘Ploys by Honduran authorities to silence critical voices’]; Committee for the protection of journalists. August 25, 2016. [Periodista hondureño condenado por difamación criminal](#) [‘Honduran journalist convicted for criminal defamation of character’]; Confidencial. August 23, 2016. [Otro Periodista Hondureño Es Condenado Por Acusaciones Contra Jefe Policial](#) [‘Another Honduran journalist is convicted for accusations against police chief’]; Committee for Free Expression (C-Libre). [Condenan a prisión e inhabilitan a otro periodista hondureño](#) [‘Another Honduran journalist sentenced to jail and loses license to practice’].

³⁵³ El Heraldo. July 27, 2016. [Diputados Oswaldo Ramos Soto querrela al periodista Armando Villanueva](#) [‘Deputy Oswaldo Ramos Soto sues journalist Armando Villanueva’]; Tiempo. July 26, 2016. [Oswaldo Ramos Soto querrela al periodista Armando Villanueva](#) [‘Oswaldo Ramos Soto sues journalist Armando Villanueva’]; Committee for Free Expression (C-Libre). August 1, 2016. [Periodista sufre acoso judicial por informar sobre gestión de exrector de la UNAH](#) [‘Journalist victim of judicial harassment for reporting on term of former president of UNAH’].

³⁵⁴ Tiempo. August 12, 2016. [CSJ admite querrela de Oswaldo Ramos Soto contra periodista](#) [‘CSJ agrees to hear suit of Oswaldo Ramos Soto against journalist’]; HCH. August 12, 2016. [Tribunales admiten querrela de Oswaldo Ramos Soto en contra del periodista Armando Villanueva](#) [‘Courts agree to hear suit of Oswaldo Ramos Soto against journalist Armando Villanueva’]; La Prensa. August 29, 2016. [Aun sin fecha juicio por querrela contra periodista](#) [‘Still no date for trial of complaint against journalist’]. HCH. August 24, 2016. [Periodista Armando Villanueva no logra “ponerse de cachetitos” de Oswaldo Ramos Soto](#) [‘Journalist Armando Villanueva unable to ‘ponerse de cachetitos’ from Oswaldo Ramos Soto’].

³⁵⁵ PEN International. December 17, 2015. [Honduras: Después de 13 meses, el estado hondureño finalmente cumple con la orden de la CIDH de suspender la inhabilitación del ejercicio periodístico de Julio Ernesto Alvarado](#) [‘Honduras: After 13 months, the Honduran State finally complies with IACHR order to lift the ban from practicing journalism on Julio Ernesto Alvarado’]; Pasos de Animal Grande. December 12, 2015. [Juzgado de Ejecución por fin cumple medida cautelar de la CIDH a favor de periodista Julio Ernesto Alvarado](#) [‘Sentence Execution Court finally complies with IACHR precautionary measure on behalf of journalist Julio Ernesto Alvarado’].

³⁵⁶ IACHR. 2015 Annual Report. [Informe de la Relatoría Especial para la Libertad de Expresión. Capítulo II \(Evaluación sobre el estado de la Libertad de Expresión en el Hemisferio\)](#). Office of the Special Rapporteur for Freedom of Expression. Chapter II (Evaluation of the status of freedom of expression in the Hemisphere. OEA/Ser.L/V/II. Doc. 48/15 December 31, 2015. Paras. 821 and 822.

216. Over the course of 2016, the IACHR and its Office of the Special Rapporteur also viewed with concern the use of criminal law, other than charges of slander and defamation, in relation to the exercise of freedom of expression. According to information received by the IACHR, at least 75 students of the National Autonomous University of Honduras (UNAH) were subjected in 2016 to criminal proceedings for crimes of sedition and usurpation and damages to public property because of their participation in student protests. During the criminal proceedings, some of those students were subjected to arrest warrants, measures depriving them of their liberty, or alternative measures to deprivation of liberty. According to the defense attorneys of some of the students, they were the targets of illegal surveillance by the Technical Criminal Investigation Agency (ATIC).³⁵⁷

217. Based on the available information, in May, nine academic rules of the University would into force, which triggered student demonstrations in protest of the reforms. In the context of the protests, a group of students occupied several buildings of the university campus in Tegucigalpa and San Pedro Sula.³⁵⁸ On July 1, the 26th day of students' occupation, specialized agents of the National Police entered the University campus in order to evict the students. Following this operation, 24 students of the UNAH were arrested and arrest warrants for another 19 students were issued. The students taken into custody were transferred to the headquarters building of the Directorate of Police Investigations in Tegucigalpa.

218. On July 20, the University and the University Student Movement (MEU) entered into an agreement under which the authorities promised to request the judicial bodies to dismiss the criminal actions brought against the students, and the movement promised to vacate all spaces and buildings belonging to the University.³⁵⁹

219. On August 15, the Inter-American Commission on Human Rights and its Office of the Special Rapporteur for Freedom of Expression forwarded a letter to the State of Honduras, pursuant to the power granted to it under Article 41 of the American Convention on Human Rights, in order to request information about the situation of the UNAH students, who were undergoing criminal proceedings after participating in student protests and mobilizations.

220. In a letter dated September 13, the State informed the IACHR that criminal cases were brought against six students of the UNAH for the crimes of usurpation of public property of the State. According to the Office of the Prosecutor for Human Rights, the demonstration of the students of the UNAH, when taking the university campus and "not allowing the entry to the UNAH" derived in criminal actions based on the crime of misappropriation of public spaces and the eviction of people from the building. None of the students are being deprived of liberty, noted the State. A settlement hearing was held with four of those students on July 26, which concluded with the case against them being closed and the criminal charges being

³⁵⁷ Letter from social organizations addressed to the IACHR and other international organizations regarding the situation of criminalization against students. June 9, 2016. Available at: Archive of the Office of the Special Rapporteur for Freedom of Expression; Latin American Campaign for the Right to Education. Letter addressed to the Office of the Special Rapporteur for Freedom of Expression. July 15, 2016. Available at: Archive of the Office of the Special Rapporteur for Freedom of Expression; United Nations. Office of the High Commissioner. July 4, 2016. ["Preocupa la judicialización de la protesta estudiantil de la UNAH"](#) ['Prosecution of student protest of UNAH cause for concern']; Committee for Free Expression (C-Libre). June 7, 2016. ["Rectora de la UNAH arrecia criminalización contra seis estudiantes por protestar"](#) ['UNAH president steps up criminalization against six students for protesting']; PEN. June 22, 2016. ["HONDURAS: Miembro de PEN se enfrenta a pena de cárcel tras protestas estudiantiles"](#) ['HONDURAS: Member of PEN facing prison term after student protests']; Committee for Free Expression (C-Libre). June 23, 2016. ["Más criminalización, intimidación y amenazas contra estudiantes de la UNAH"](#) ['Further criminalization, intimidation and threats against UNAH students']; Committee for Free Expression (C-Libre). June 30, 2016. ["Juzgado prohíbe a seis universitario asistir a manifestaciones"](#) ['Court bans six university students from attending demonstrations']; Committee for Free Expression (C-Libre). July 3, 2016. ["Piden militarizar la UNAH: 60 estudiantes criminalizados y una desaparición temporal"](#) ['Request to call in the military forces at UNAH: 60 students prosecuted as criminals and one temporarily missing'].

³⁵⁸ Youth and Education. Latin American Campaign for the right to Education. June 8, 2016. ["Estudiantes de la Universidad Nacional Autónoma de Honduras movilizadas/os contra nuevas normas académicas son objeto de represión y criminalización"](#) ['Students from the National Autonomous University against academic rules are the targets of crackdown and criminalization'].

³⁵⁹ El Herald. July 21, 2016. ["El periodismo necesita inversión. Para compartir esta nota utiliza los íconos que aparecen en la página"](#) ['Journalism needs investment']; La Prensa. July 20, 2016. ["Estudiantes y autoridades de la UNAH por fin firman acuerdo"](#) ['Students and authorities of UNAH finally sign agreement'].

dropped at the request of the representatives of the University, in exchange for vacating the premises of the occupied buildings of the University. Another two students did not show up for the case, but their defense counsel assured authorities that they would subsequently do so voluntarily and, consequently, the arrest warrants for them were quashed, the State informed.³⁶⁰

221. The State noted as well that 19 students were charged with the crimes of sedition and usurpation of public property of the State. Arrest warrants were issued for two of them and the testimonies of the remaining 17 were taken at a hearing on July 22. After an out-of-court settlement was reached between the University authorities and the parties, the Court ordered the dismissal of the criminal action. One of the students charged refused to settle and at a hearing on August 8, the case was dismissed because her participation in the incidents could not be proven. Another one of the defendants did not appear at the courthouse and, consequently, the arrest warrant for him is still in force.³⁶¹

222. It was also reported that two complaints were filed with the Office of the Prosecutor for Human Rights regarding alleged retaliation by UNAH authorities against students, who participated in the demonstrations. The complaints were brought against the authorities for abuse of authority to the detriment of the students, and are still under investigation. In one of the complaints, a group of students alleged that they had been suspended for two academic periods for committing a serious offense simply by demonstrating. One complaint was also filed for excessive use of force by law enforcement agents during the handling of the protests. The complaint is being investigated by the Office of the Attorney General. The student that filed the complaint over the abuses, Rommel Dario Morán Espinal, was tried for the crimes of assault and illegal demonstration, because during the protests he threw a rock and hit a police officer's face. Despite that, it "would not justify excessive use of force by law enforcement agents," the Prosecutor's Office noted, and therefore the investigation continues into the complaint to determine criminal liability of the perpetrator of the crime.³⁶²

223. The Commission indicated that "strikes, road blockages, the occupation of public space, and even the disturbances that might occur during social protests may naturally cause annoyances or even damages that are necessary to prevent and repair. Nevertheless, disproportionate restrictions to protest, in particular in cases of groups that have no other way to express themselves publicly, seriously jeopardize the right to freedom of expression. The Commission has expressed its concern about the existence of provisions that make criminal offenses out of the mere participation in a protest, road blockages (at any time and any kind), or acts of disorder that in reality, in and of themselves, do not adversely affect legally protected rights such as those to life, security, or the liberty of individuals."³⁶³

224. Accordingly, the IACHR reiterates that approaches focused on dialogue and negotiations are the most effective ways to handle protests and to prevent any act of violence. The Commission considers it essential in the case of student protests for the State to make available adequate mechanisms to channel the demands toward actors with decision-making power in the area that is the subject of the protest, instead of resorting to the institutional apparatus of bringing criminal proceedings.

³⁶⁰ Carta del Estado de Honduras en respuesta a la solicitud de información conforme al artículo 41 de la Convención Americana sobre Derechos Humanos transmitida el 15 de agosto de 2016. 13 de septiembre de 2016.

³⁶¹ Carta del Estado de Honduras en respuesta a la solicitud de información conforme al artículo 41 de la Convención Americana sobre Derechos Humanos transmitida el 15 de agosto de 2016. 13 de septiembre de 2016

³⁶² Carta del Estado de Honduras en respuesta a la solicitud de información conforme al artículo 41 de la Convención Americana sobre Derechos Humanos transmitida el 15 de agosto de 2016. 13 de septiembre de 2016.

³⁶³ IACHR. [Criminalización de la labor de las defensoras y los defensores de derechos humanos](#). [Criminalizing the work of human rights defenders] OEA/Ser.L/V/II. Doc. 49/15. December 31, 2015. Paragraph 127.

Direct and indirect censorship

225. The National Telecommunications Commission (Conatel) reported in a communiqué on May 20, that 21 audiovisual service providers were operating without authorization because “they did not have their permits renewed in order to legally operate,” which led to the “respective triggering of the process of sanction for violation.” Conatel ordered the suspension of the broadcasts and established that the legal representative of the media companies in violation must, within a term of 10 business days as of the notification, exercise their right to defense and remedies as permitted by law. Once the deadline has lapsed, they must reapply for the broadcast permit. While the generic measure of suspension of broadcast would affect several television stations with varying content, one of those included in the measure, *Globo TV*, is a channel that allegedly holds a critical editorial line against the current Honduran government and has decried alleged acts of corruption at the Institute of Social Security of Honduras (IASS).³⁶⁴

226. Pursuant to the authority set forth under Article 41 of the American Convention on Human Rights, on June 1, the Rapporteurship forwarded to the State a letter requesting information on the administrative measure taken by Conatel. Additionally, the Office of the Rapporteur requested the regulatory agency to ensure due process and, as the case may be, to impose proportional sanctions, which undermine to the least extent possible the right of freedom of expression for those who give voice to their views through the media.³⁶⁵

227. In its response of July 1, the State noted that the measure involves the National Audiovisual Service, whose signals are broadcast through a programmed channel within a programming grid of cable subscribing television service channels. It further indicated that the Framework Law of the Telecommunications Sector establishes that the authorizing title for provision of the National Audiovisual service is a permit, which sets forth the conditions for operation of service, including the determination of that said authorization shall cease to be in force for reasons of expiration, revocation or lapsing.³⁶⁶

228. In that context, the regulatory agency has been conducting audits on the status of permits granted as of 2009, and it turned out that 21 operators of the Audiovisual Service, among which *Globo TV* was included, were operating with expired permits and had not filed for the respective renewal, a circumstance which is codified in the law to be an administrative violation. The Commission issued resolution OD098/2016, whereby it granted the operators a period of 10 days to exercise the right to defense and provide good reason why they were operating illegally. Additionally, it ordered the operators of the cable television service to refrain from including in their programming the channels in violation, and the holders of the 21 signals were ordered to cease and desist provision of service.

229. The State reported that as of the current date (July 1), 10 of the 21 systems had exercised their right of defense, included among them the operator Alejandro Villatoro Aguilar, holder of *Globo TV*. Additionally, *Globo TV* and another 5 channels had previously filed a request for a new permit. The requests were following the respective administrative procedure, the State added. It also claimed that the actions of Conatel are consistent with the Law and that at no time were rights or guarantees recognized in the Constitution violated.

230. The State reported that no sanction of suspension of broadcast was ordered, but instead since the permits were expired, it triggered the lapsing of the rights granted to operate the service. In continuing to provide service without the authorization of the regulatory agency, the titleholders of the

³⁶⁴ National Telecommunications Commission. May 20, 2016. [COMUNICADO](#) [Release]. El Heraldo. May 21, 2016. [Gobierno cancelará 21 canales por permisos vencidos](#) [‘Government will shut down 21 channels because permits expired’]; Telesur. May 22, 2016. [Gobierno de Honduras podría sacar del aire a 21 canales](#) [‘Government of Honduras could take 21 channels off the air’].

³⁶⁵ Office of the Special Rapporteur for Freedom of Expression. Communication to the State, pursuant to Article 41 of the American Convention. June 1, 2016.

³⁶⁶ Letter from the State of Honduras in response to the request for information pursuant to Article 41 of the American Convention on Human Rights, conveyed on June 1, 2016. July 1, 2016.

channels committed violations of the Framework Law of the Telecommunications Sector. The State clarified that the protections enshrined in the Constitution of the Republic were respected with regard to the process of sanction for violation, and that at no time was the right to a defense and due process violated.

231. One month after the television channel *Globo TV* was shut down, 16 employees of the company were dismissed because of difficulties in paying salaries.³⁶⁷ On July 18, the director of *Globo TV*, David Romero Ellner, denounced in a press conference that the media company had filed an application two months earlier for a provisional permit so that the channel could resume broadcasting, but that as of that time it had not obtained any reply from the National Telecommunications Commission (Conatel).³⁶⁸

232. On August 22, journalist Héctor Amador reported that the National Telecommunications Commission (Conatel) notified the television station *Planeta TV* that it had to go off the air because of its irregular situation. According to the report of the journalist, the closure occurred hours after the channel announced that it would start broadcasting the program “Interpretando la Noticia,” hosted by Amador and journalist David Romero Ellner, and which has a critical editorial line against the government.³⁶⁹ On July 25, Conatel announced in a communiqué a list of operators and public service telecommunication marketers who had not complied “with submitting the periodic regulatory reports (monthly, quarterly, and/or semi-annually) required under the regulations in force, for the second quarter of 2016.” *Planeta TV* appeared on the list of media companies mention by the agency.³⁷⁰

233. In this regard, the IACHR recalls that rules regulating radio broadcast must be designed in such a way as to grant sufficient guarantees against possible arbitrary acts of the State. In order for this goal to be met, the following requirements, *inter alia*, must be met: (1) the rules establishing rights and obligations must be clear and precise; (2) the rules must provide for transparent procedures and due process—which enable, among other things, judicial review of decisions made in the administrative realm—; (3) the permit must be granted for use of the frequency for a sufficient length of time to be able to carry out the communications project or to recover the investment and make it profitable; (4) there must be assurances that while the frequency is being used, further requirements will not be demanded than what is established in the law; and (5) decisions shall not be made that impair the exercise of freedom of expression based on the editorial or news line. These and other protections, which will be discussed hereunder, are essential for the existence of truly free and vigorous radio broadcast.

Access to public information

234. The Civic Council of Popular and Indigenous Organizations of Honduras (COPINH) denounced that the head of the Secretariat of Energy, Natural Resources and Environment of Honduras (MiAmbiente) denied it access to some 50 case files related to concessions for hydroelectric, wind power and mining projects.³⁷¹ According to the information provided by the State, in its observations to the draft of this report, there is no registry of request made by COPINH. However, at some point they requested information about the Agua Zarca Hidroelectric Project and the copies of said file were provided to COPINH.

³⁶⁷ Committee for Free Expression (C-Libre). June 22, 2016. [Más de 20 periodistas afectados por cierre de Globo TV](#) [‘More than 20 journalists affected by shut down of Globo TV’]; Criterio. June 17, 2016. [Despiden a empleados de Globo TV](#) [‘Globo TV employees dismissed’]; El Libertador. June 17, 2016. [URGENTE: DESPIDEN AL PERSONAL DEL CANAL GLOBO TV DE HONDURAS](#) [‘Urgent: Globo TV channel of Honduras staff dismissed’].

³⁶⁸ Committee for Free Expression (C-Libre). July 21, 2016. [Gobierno muestra intransigencia al cumplirse dos meses del cierre de Globo TV](#) [‘Government unyielding after two months have passed since the shut down of Globo TV’].

³⁶⁹ Committee for Free Expression (C-Libre). August 22, 2016. [Denuncian al gobierno por cerrar tercer medio de comunicación hondureño](#) [‘Government denounced for shutting down third Honduran media outlet’]; Conexhion. September 12, 2016. [Denuncian al gobierno por cerrar tercer medio de comunicación hondureño](#) [‘Government denounced for closing down third Honduran media outlet’]; Confidencial HN. August 23, 2016. [Régimen Hondureño Ordena Clausura Del Canal Planeta Tv](#) [‘Honduran regime orders closure of Canal Planeta TV’].

³⁷⁰ National Telecommunications Commission (Conatel). [AVISO](#) [‘Announcement’]. July 25, 2016.

³⁷¹ Committee for Free Expression (C-Libre). February 3, 2016. [Indígenas Lenca denuncian bloqueo informativo](#) [‘Lenca Indians denounce blockade of information’].

235. The president of the Association of Municipalities of Honduras, Nery Cerrato, announced on March 21 that she would be filing a petition for constitutional relief with the Chamber for Constitutional Matters of the Supreme Court of Justice so that the audit reports of the Supreme Tribunal of Audits are not made public under court injunction.³⁷²

236. On July 4, the Institute for Access to Public Information (IAIP) announced that it had decided to recommend to the Executive Branch of Government to temporarily suspend nine mayors and the Dean of the National Agricultural University (UNA), Marlon Escoto, for failure to comply with the Law of Transparency and Access to Public Information.³⁷³

237. In its 2015 country report, the Commission expressed its concern over the approval and enactment, on March 7, 2014, of the Law for the Classification of Public Documents Related to Security and National Defense,³⁷⁴ which imposes limits and restrictions on the right to information in this subject matter. These limits and restrictions are inconsistent with the principles of the law of access to public information itself and with international standards on the subject.

238. Civil society organizations filed a suit challenging the constitutionality of the law with the Supreme Court in order to get it to nullify this legislation. On this score, the spokespersons for the Mission to Support the Fight against Corruption and Impunity in Honduras have raised the need for the secrecy law, as it is known, to be amended by the Congress.³⁷⁵ In the framework of the International Forum “the Status of Freedom of Expression in Honduras,” held in August, where the Special Rapporteur took part, subject matter experts voiced their concern over this law and the application thereof.³⁷⁶

239. In this regard, the IACHR reiterates its appeal to the State to review the Law for the Classification of Public Documents Relating to Security and National Defense and the regulations thereof approved subsequently, in order to ensure that it is compatible with the principles fleshed out in international human rights law. Accordingly, for example, in the Joint Declaration on Access to Information and on Secrecy Legislation, the Special Rapporteurs for Freedom of Expression recalled: “certain information may legitimately be secret on grounds of national security or protection of other overriding interests. However, secrecy laws should define national security precisely and indicate clearly the criteria which should be used in determining whether or not information can be declared secret, so as to prevent abuse of the label “secret” for purposes of preventing disclosure of information which is in the public interest. Secrecy laws should set out clearly which officials are entitled to classify documents as secret and should also set overall limits on the length of time documents may remain secret. Such laws should be subject to public debate.”³⁷⁷ In

³⁷² Committee for Free Expression (C-Libre). March 31, 2016. [Alcaldes anuncian recurso legal para impedir publicación de informes sobre auditorías](#) [‘Mayors announce they are seeking legal remedy to prevent publication of audit reports’]; El Heraldito. March 19, 2016. [Amhon procederá legalmente contra el TSC](#) [‘Amhon will pursue legal action against the TSC’]; La Tribuna. March 21, 2016. [Presidente de la Amohn y magistrada del TSC se palabrean por auditorías](#) [‘President of Amohn and judge of the TSC have words for each other over audits’].

³⁷³ La Tribuna. July 5, 2016. [IAIP pide sancionar a Marlon Escoto](#) [‘IAIP calls for punishment of Marlon Escoto’]; La Prensa. July 5, 2016. [IAIP pide suspender a Marlon Escoto y a nueve alcaldes](#) [‘IAIP asks for suspension of Marlon Escoto and nine mayors’]; Committee for Free Expression (C-Libre). July 4, 2016. [Por negar información: IAIP resuelve suspensión de nueve alcaldes y de ministro de educación hondureño](#) [‘For denying information: IAIP settles suspension of nine mayors and Honduras’s minister of education’].

³⁷⁴ DECREE No. 418-2013 (Published in the Official Gazette on January 24, 2014).

³⁷⁵ Hondudiario.com. October 20, 2016. [MACCIH pedirá varias reformas legislativas al congreso entre ellas la ley de secretos](#) [‘MACCIH will request several legislative reforms from Congress including the secrecy law’]; El informativo.hn. April 28, 2016. [Macchi define líneas de trabajo en el combate a la corrupción en Honduras](#) [‘Macchi defines lines of work in combatting corruption in Honduras’]; La Tribuna. February 16, 2016. [Ley de ‘Secretos’ primera ‘traba’ para la MACCIH](#) [‘Secrecy Law first obstacle to MACCIH’].

³⁷⁶ La Prensa. August 4, 2016. [Expertos piden revisar la ley de secretos en Honduras](#) [‘Experts call for review of secrecy law in Honduras’].

³⁷⁷ United Nations (UN) Special Rapporteur on Freedom of Opinion and of Expression, Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media, Organization of American States (OAS) Special Rapporteur for Freedom of Expression. December 6, 2004. [Declaración Conjunta sobre Acceso a la Información y sobre la Legislación que Regula el Secreto](#). [Joint Declaration on Access to Information and on Secrecy Legislation]

this regard, the Office of the Special Rapporteur has emphasized that a restriction on access to public information, which is claimed to find its justification in defense of national security, must not be based on an idea of national security incompatible with a democratic society.³⁷⁸

CONCLUSIONS

240. Based on the information received and examined in the instant report, the IACHR reiterates to the State of Honduras the need to continue to work to achieve compliance with the recommendations issued in the 2015 Report on the Situation of Human Rights in Honduras.

241. The Commission recognizes the efforts of the State to address violence and insecurity in Honduras. However, significant challenges remain for the adopted measures to be effective, as well as challenges to adopt additional reforms to strengthen the legal framework and public policies. As the IACHR noted in its country report, these challenges encompass everything from violence prevention, to the State's response to violence and subsequent investigation and punishment of said acts. Moreover, the high levels of inequality and social exclusion so pervasive throughout the country, which affect broad sectors of the population, require the adoption of urgent plans and policies, and strengthening institutions to achieve access to basic necessities and services, health care, education, job opportunities on an equal footing, and to natural resources and land.

242. The Commission reaffirms its commitment to cooperate with the State of Honduras in seeking solutions to the problems and challenges identified herein, and to provide support in the process of implementation and follow up on the measures that the State is going to implement in compliance with its international obligations in the area of human rights.

³⁷⁸ IACHR. 2013 Annual Report. [Informe de la Relatoría Especial para la Libertad de Expresión. Capítulo IV \(Libertad de Expresión e Internet\)](#). Report of the Office of the Special Rapporteur for Freedom of Expression. Chapter IV (Freedom of Expression and Internet). OEA /Ser. L/V/II.149. Doc. 50. December 31, 2013, para. 60.