

Chapter V

Follow-up of
recommendations made
by the IACHR in its
country or thematic
reports

**Follow-up of the
recommendations issued by the
IACHR on the Human Rights
Situation in Honduras**

CHAPTER V

FOLLOW-UP OF RECOMMENDATIONS ISSUED BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS

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

I. INTRODUCTION

1. The purpose of this chapter is to follow up on the recommendations issued in the report entitled “Situation of Human Rights in Honduras,” which was approved by the Inter-American Commission on Human Rights (“the Commission,” “the Inter-American Commission” or “the IACHR”) on August 27, 2019, pursuant to Article 59.9 of its Rules of Procedure. Under that provision, by means of Chapter V of its Annual Report, the Commission shall follow up on the measures adopted to comply with the recommendations issued in country or thematic reports.

2. At the invitation of the Government of Honduras, the IACHR conducted an on-site visit to the country from July 30 to August 3, 2018. The IACHR wrote the Report on the Situation of Human Rights in Honduras, along with a number of recommendations to the Honduran State, based on findings and information obtained before, during and after the country visit. It also based its report on investigations it conducted on its own initiative, information provided by the State, input from the different mechanisms through which the IACHR has been monitoring developments in the country, press reports, decisions and recommendations of specialized international bodies, as well as other sources, as provided by Article 59.5 of its Rules of Procedure.

3. In the country report the Commission addressed the human rights situation in Honduras, with emphasis on the post-electoral conflict, citizen security, administration of justice, freedom of expression, the situation of economic, social, cultural and environmental rights (ESCERs). It also examined, in particular, the situation of groups and persons of special concern, including women; children and adolescents; lesbian, gay, bisexual, trans and intersex (LGBTI) persons; human rights defenders; and justice operators; persons deprived of liberty; indigenous peoples, Afro-descendants and Garifuna communities; and persons in a context of human mobility.

4. The 2017 electoral process and the context of violence that ensued from the elections, which included the disproportionate use of force by public security bodies, and the lack of progress in investigations to date, together with information pointing to a growing concentration of power in the executive branch over the legislative and judicial branches of government, has repercussions on citizens’ trust in public and political institutions.

5. Additionally, inequality and the lack of opportunities for broad sectors of the population - mostly young people- are rooted in a system that, according to the testimonies taken, benefits a few who have close ties to the upper echelons of political and economic power. These situations disproportionately affect people in vulnerable situations, which generate clear inequality and impacts on the effective enjoyment of their human rights.

6. In its report, the IACHR highlighted several advancements in the area of human rights, including, the creation of the Secretariat of State in the Office of Human Rights in order to promote and implement the Public Policy and National Plan of Action on Human Rights. It also welcomes the creation and implementation of the System for Monitoring Recommendations Honduras (SIMOREH) in order to follow up on the recommendations put forward to the State of Honduras by the different international and regional mechanisms for the protection of human rights. It also recognizes the adoption of the Police Career Act and the efforts made to reduce the overall homicide rate and to strengthen and professionalize the police. Likewise, it appreciates the establishment of the Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators, as well as the expressed commitment to continue strengthening the National Protection Mechanism.

7. In the report, the IACHR cited persistent and serious human rights challenges. On this score, the Commission emphasized the continuing intervention of the military police in citizen security tasks, as well as the militarization of the penitentiary function and military involvement in civic and educational training, such as the program for children and adolescents known as "*Guardianes de la Patria*" ['Keepers of the Homeland'], which are all issues that were discussed by the IACHR in its 2015 report. Additionally, the army performs law enforcement functions in areas of conflict over land, such as Bajo Aguán, a situation that the IACHR continues to monitor.

8. The IACHR also noted in its report the critical levels of impunity and inadequate and insufficient assistance for victims and their families. Civil society organizations apprised the IACHR of the existence of what they consider to be "selective justice" which, on the one hand, acts too late and without offering an effective response in relation to human rights violations and, on the other hand, acts in favor of the interests of various actors linked to public, political, and business power. Likewise, challenges persist that weaken the guarantee of independence and impartiality, such as the lack of constitutional guarantees from judicial oversight bodies.

9. In this regard, the Commission emphasized that in order for there to be full enjoyment of human rights, it is essential for the State to advance in its democratic institution building process, guarantee a genuine separation of powers and strengthen the rule of law. It further noted that the State must take decisive measures in the administration of justice and in the fight against impunity and corruption, as well as in reforms to the electoral system in accordance with the international recommendations drawn up to that end.

10. In this context, the Commission stressed the need for citizens to regain confidence in their State institutions. It noted that the State must ensure a real and effective transformation to eradicate the situation of poverty, exclusion and structural inequality that continues to trouble the country, impacting the exercise and enjoyment

of human rights, especially among groups at particular risk. This requires the adoption of effective measures in accordance with applicable international standards.

11. In order to prepare this report, through a communication dated September 23, 2020, the IACHR requested the State to submit information on compliance with the recommendations issued in the Country Report within a 30-day period. The response of the State of Honduras was received on October 30, 2020.¹ The Commission welcomes and appreciates the information it received, the relevant parts of which were included in the instant report. The IACHR is also grateful for the information provided by civil society organizations and the National Human Rights Commissioner of Honduras (CONADEH).

12. This follow-up report is divided into fifteen sections to consider the measures adopted by the State to implement the recommendations of the Commission and address the pending challenges. The recommendations are evaluated in accordance with the General Guidelines on the Follow-up of Recommendations and Decisions of the IACHR² mirroring the structure used in the IACHR report that is the subject of follow-up in the instant report. Each section discusses the recommendations issued by the IACHR in the respective chapters and examines the major areas of progress and challenges identified by the IACHR, in light of the information submitted by the State and civil society organizations, as well as the information that the Commission has collected in monitoring the overall human rights situation in the country. To this end, the Commission has drawn on the information received from the State in public hearings, investigations conducted at the Commission's initiative, input from the mechanism of petitions and cases, precautionary measures, and requests for information, as provided for under Article 41 of the American Convention on Human Rights, as well as information available from other sources and the decisions and recommendations of specialized international agencies, *inter alia*. At the end of the report, the IACHR presents its conclusions and recommendations.

13. On January 11, 2021, the Commission forwarded a copy of the preliminary draft of this report to the State in accordance with Article 59(10) of its Rules of Procedure, and requested the State to submit any comments it might have. On February 2, 2021, the IACHR received the State's comments and observations, the pertinent parts of which were incorporated to this version. The complete document is appended as an annex to this report. The final report was adopted by the Commission on February 24, 2021.

14. The IACHR reiterates the importance for the State of Honduras to fully comply with the recommendations issued in the IACHR's report. It further reiterates its willingness to work with the State and, in particular, within the framework of the Special Technical Advisory Board (MESAT).

II. FOLLOW-UP OF RECOMMENDATIONS

1. Recommendations regarding Democratic Institutions and the Rule of Law

¹ State of Honduras, *Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras"* (Factual observations on the follow-up report on the recommendations issued in the report "The Human Rights Situation in Honduras"), February 2, 2020

² IACHR, [Directrices Generales de seguimiento de recomendaciones y decisiones de la Comisión Interamericana de Derechos Humanos](#), [General Guidelines on the Follow-up of Recommendations and Decision of the Inter-American Commission on Human Rights] OEA/Ser.L/V/II.173 Doc. 177, September 30, 2019.

- Ensure that the rights to life, personal integrity and personal liberty of demonstrators are protected during social mobilizations carried out in exercise of their right to peaceful assembly and demonstration.
- Carry out investigations diligently and impartially to identify and punish those responsible for the acts of violence, murder and ill-treatment in the context of the post-election protests.
- Ensure due process, access to comprehensive defense for all persons detained in the post-election context in accordance with Inter-American human rights standards.

15. With respect to the recommendation **ensure the right to life, physical integrity and personal liberty of demonstrators during social mobilizations**, the State noted that the Secretariat for Human Rights (SEDH), through the Office of Social Conflict Prevention, set up a Social Conflict Prevention Table. Additionally, through the SEDH, 17 additional social conflict tables were set up, the Social Conflict Prevention Early Warning System was strengthened and the Situation Room for the Prevention of Social Conflict was created with the support of the United Nations Development Program, in the context of COVID-19, successfully preventing 33 social conflicts over the period of 2018 to July 2020.³

16. The State further reported that, in 2019, the Secretariat of Security trained more than 100 police agents and 30 members of the armed forces on topics such as implementing precautionary measures, criminal prosecution, human rights and the manual on use of force following legally established procedures, and compliance with international instruments. It also reported that 32,000 troops of the Armed Forces were trained on the use of force and firearms focusing on international standards.⁴

17. In addition, the State noted that the National Congressional Committee on Justice and Human Rights issued a favorable opinion on the draft law that would encourage approval of the Law Regulating the Use of Force for Law Enforcement Institutions and Officers of the Republic of Honduras, submitting it to the Honorable Plenary for debate on the floor of the Congress.⁵

18. For its part, CONADEH reported to the IACHR that it had issued instructions to the regional and departmental offices to form working groups to accompany the different mobilizations, demonstrations or manifestations of public protest, to ensure respect for the right to peacefully assemble and demonstrate, prevent acts of violence, act as mediators in the event of conflict, and thus safeguard the lives and safety of those who demonstrate.⁶

³ State of Honduras, State's Observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 5.

⁴ State of Honduras, State's Observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 4.

⁵ State of Honduras, State's Observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 5.

⁶ CONADEH, Report on Follow-up of Recommendations of the Report on the Human Rights Situation in Honduras, received on October 23, 2020, pg.1.

19. With respect to the **guarantee of social mobilizations**, the IACHR Office of the Special Rapporteur for Freedom of Expression received reports of excessive use of force to disperse demonstrations held in Honduras over 2020, mostly prompted by the economic and health crisis caused by the COVID-19 pandemic. According to complaints received by the IACHR from the Association for Democracy and Human Rights (ASOPODEHU), Executive Decree No. PCM-021-2020 was issued on March 15, suspending several constitutional guarantees giving rise to reports to the Rapporteurship about gross human rights violations, detentions at odds with the standards set in the IACHR report entitled Protest and Human Rights, and reports of alleged torture and cruel, inhuman or degrading treatment, in a context of escalating protest by the population over the lack of food and unemployment caused by the COVID-19 crisis. In that context, it was reported to the Rapporteurship that the right to protest was one of the most violated rights, with excessive use of repressive force by police and military personnel against the demonstrators. According to the information gathered by ASOPODEHU, from March 23 to June 22, 2020, at least 19 demonstrations were put down by the Police and Army.⁷ According to a survey by the organization C-Libre, from March 23 to April 2, there were at least 83 social protests linked to the emergency caused by COVID-19, in 12 departments of Honduras.⁸

20. Likewise, over the months of August and September, social outrage over mismanagement of funds earmarked for combatting the COVID-19 pandemic by the Government triggered several demonstrations under the slogan “Where is the money?”⁹ According to the information it received, it came to the attention of the Special Rapporteurship for Freedom of Expression that on September 15, members of the National and Municipal Police put down a mass demonstration in downtown Tegucigalpa, which had been called on the occasion of Independence Day in Honduras by workers unions, students and other sectors, where tear gas, water with chemicals were hurled at the protesters. These events were condemned by the Office of the UN High Commissioner for Human Rights in Honduras (UNHCHRH).¹⁰

21. Cristian Espinoza, a 26 year old demonstrator, sustained injuries in his eyes and had to be admitted to the University Hospital School. Human Rights defenders Marcela Licon, Irma López and Elizabeth Medina, from Human Rights Without Borders Honduras (DHFH), were assaulted by National Police while they were evacuating senior citizens affected by the tear gas. Additionally, according to available information, demonstrators, human rights defenders and several students were injured and several students were arrested. Workers from the media outlet *Criterio.hn* were threatened by police in order to move them far away. Photojournalist Orlando

⁷ Information provided to the IACHR by the Asociación por la Democracia y los Derechos Humanos (ASOPODEHU) of Honduras. Decrees of emergency and restrictions of freedom of expression, freedom of protest and other human rights. July 16, 2020, in IACHR archive.

⁸ C-Libre. [Situación de la libertad de expresión y acceso a la información pública: Protestas por el hambre](#) [‘Situation of freedom of expression and access to public information: Protests over hunger’].

⁹ Conexión. Undated. [Nuevamente las calles representan la indignación ciudadana: ¿Dónde está el dinero?](#) [‘Again the streets represent the outrage of citizens: Where is the money?’]; Televisión. August 18, 2020. [Alcalde de Utila ofrece L 25 mil por información del responsable de pintar ¿Dónde está el dinero?, en el edificio municipal](#) [‘Mayor of Utila offers 25 thousand Lempiras for information leading to person responsible for writing “Where is the money?” on the municipal office building’]

¹⁰ Tiempo Digital, [ONU condena violencia en manifestaciones y pide a honduras investigación](#) [‘UN condemns violence at demonstrations and asks Honduras to investigate’], September 16, 2020; Honduras TV, [ONU solicita investigaciones exhaustivas por la represión en protestas del 15 de septiembre en Honduras](#) [‘UN calls for thorough investigations into repression at protests of September 15 in Honduras’], September 16, 2020; Defensores en línea, [Por brutal represión policial joven estuvo a punto de perder la vista](#) [‘Because of brutal police repression a young man about to lose eyesight’], September 16, 2020.

Sierra of *Agence France Press* (AFP) was hit by a tear gas cannister thrown by members of the National Directorate of Special Forces (DNFE).¹¹

22. The Special Rapporteurship also received reports about repression of different citizen protest actions on January 29 in El Progreso, department of Yoro, and in Tegucigalpa, by police forces.¹² On April 1, three journalists were detained by the Police as they were covering a protest by residents who were trying to block vehicular traffic from San Pedro Sula out of fear of being infected with COVID-19. The Police took away the media workers' equipment and deleted the material they had recorded, which documented alleged police abuses against the people.¹³ Journalists Alejandro Aguilar, editor of *Metro TV*, and Cinthia Macyeritt García of *TVS*, were assaulted with tear gas by members of the National Police while they were covering a taxi driver protest on May 28, in the city of Choluteca.¹⁴ On July 21, members of the National Police cracked down with tear gas on residents of the Garifuna community of Sambo Creek, who were demonstrating to demand the release of four community leaders of El Triunfo de la Cruz, who were taken from their homes on June 18.¹⁵

23. The IACHR takes note of the information submitted by the State and finds that the information is insufficient to enable it to examine the level of progress in complying with the recommendation, particularly when it observes the events that took place over this year. Additionally, in light of the information submitted about the existence of a legislative bill on the regulation of the use of force, the IACHR will continue to follow up on compliance with this recommendation. Based on the foregoing, the Commission understands this recommendation to be **pending compliance**.

24. As for the recommendation **carry out investigations diligently and impartially to identify and punish those responsible for the acts of violence, murder and ill-treatment in the context of the post-election protests and ensure due process**, the State reported that the Case Validation Table, which is made up of the

¹¹ Pasos de Animal Grande. September 15, 2020. [Honduras: Manifestación del "Día de la Independencia" concluye en fuerte represión y ataques a defensores por la policía](#) [Honduras: "Independence Day" demonstration culminates in heavy repression and attacks on defenders by police]; Telesur. September 16, 2020. [Policía de Honduras reprime manifestaciones contra el Gobierno](#) [Honduran Police put down demonstrations against government']; Criterio. September 16, 2020. [Piden actuar contra policías y militares que reprimieron manifestación del 15 de septiembre](#) [Call to act against police and military who put down demonstration of September 15']; C-Libre. September 15, 2020. [Represión policial: Detenciones y heridos en manifestación popular por aniversario de independencia](#) [Police Repression: Detentions and injuries at people's demonstration on Independence Day]; C-Libre. September 16, 2020. [Policía dispara directamente contra fotoperiodista internacional](#) [Police directly fire at international photojournalist].

¹² C-Libre. January 29, 2020. [Represión a protestas en diferentes puntos del país este 27 de enero](#) [Repression of protests at different points of the country on this January 27']; Radio Progreso. Undated. [Sigue la represión contra estudiantes en Ciudad Universitaria en Tegucigalpa](#) [Repression continues against students at University City in Tegucigalpa].

¹³ The assaulted journalists were Roger David Iraheta, of Canal 6, Onán Zaldívar of Patepluma Televisión and Edward Fernández, of Canal 26. Pasos de Animal Grande. April 1, 2020. [Detienen tres periodistas en Santa Bárbara, les decomisan su equipo y les borran el material sobre desalojo](#) [Three journalists detained in Santa Barbara, their equipment confiscated and their material deleted]; C-Libre. April 1, 2020. [Policía agrede y detiene a periodistas en Santa Bárbara](#) [Police assault and detain journalists in Santa Barbara].

¹⁴ Defensores en línea. May 28, 2020. [Policía de Choluteca arremete contra taxistas y periodistas](#) [Choluteca Police attack taxi drivers and journalists]; C-Libre. May 30, 2020. [Policías agreden a periodistas que cubrían protestas en Zona Sur](#) [Police assault journalists covering protests in Southern Zone].

¹⁵ Defensores en línea. July 21, 2020. [Policía reprime a manifestantes garífunas](#) [Police put down Garifuna demonstrators]; Cespad. July 21, 2020. [Policía hondureña reprime protesta de Comunidad Garífunas y afecta gravemente a una niña](#) [Honduran Police put down protest of Garifuna Community and seriously harm a little girl].

Directorate of Prosecutor's Offices, the Office of the Prosecutor for Crimes against Life, Prosecutorial Unit, found that 22 of the 45 cases reported by civil society could be linked to the events of the post-electoral context.¹⁶ It further noted that, of the 40 complaints filed with the Office of the Special Prosecutor for Human Rights, 10 have been prosecuted and 29 are in the investigation stage; and one complaint has been administratively archived. In its observations on the draft of this report, the State said that the Public Prosecution Office recorded that as of October 23, 2020, of the 17 cases concerning the deaths of 22 citizens, 11 were under investigation, 2 of them with a draft indictment; 4 have are being prosecuted, of which 2 are awaiting public oral trial, and 1 is under appeal.¹⁷

25. In its country report, the IACHR observed that very little progress had been made in the investigation of the cases known up to that time, and that what progress had been made was reportedly slow. The Commission notes that, since the publication of the country report no conviction has been handed down for acts related to the protests in the post-electoral conflict. The IACHR recalls that it is the obligation of the State to ensure prompt and effective justice, as well as to conduct expeditious and impartial investigations and punish those responsible.¹⁸ Based on the foregoing, the Commission finds that this recommendation is **pending compliance**.

26. In relation to the recommendation **ensure due process and access to comprehensive defense for all persons detained in the post-election context**, the State reported to the IACHR that it is ensuring due process in the aforementioned cases pursuant to Inter-American standards.¹⁹ For their part, civil society organizations reported to the IACHR that these cases are characterized by lack of due process, protracted pre-trial detention, unjustified use of protected witnesses, charges without concrete evidence and pressure from prosecutors to accept rigidly conducted trials, delays and rescheduling of hearings because of the absence of the prosecutor.²⁰ In view of the available information, the IACHR does not have sufficient information to determine whether there has been progress in compliance with this recommendation and, therefore, concludes that it is **pending compliance**.

2. Recommendations regarding Citizen Security

- Strengthen the capacities of the police in order to advance the implementation of the plan for the gradual replacement of the armed forces in public security tasks, in accordance with Inter-American human rights standards. Likewise, establish a strategy for the progressive disengagement of the armed forces from penitentiary functions that allows for the transfer of management, at both formal and material levels, from penitentiary centers to the INP.

¹⁶ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 5.

¹⁷ State of Honduras, *Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras"* (Factual observations on the follow-up report on the recommendations issued in the report "The Human Rights Situation in Honduras"), February 2, 2020, par. 4.

¹⁸ IACHR, [Situación de derechos humanos en Honduras](#) ['Situation of human rights in Honduras'], OEA/Ser.L/V/II. Doc. 146, August 27, 2019, par. 81.

¹⁹ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 6.

²⁰ COFADEH, Input for the report on follow-up of the recommendations of the report on the "Situation of Human Rights in Honduras, 2019," October 30, 2020, in IACHR archive.

27. The Inter-American Commission has been monitoring the high levels of citizen insecurity in Honduras and its effects on the effective enjoyment of human rights. In its country report, the IACHR recognized the efforts made by the State to bring down the overall homicide rate down. In this regard, the Commission notes that this downward trend has held steady through 2020. According to information from the State, 2020 closed with a homicide rate of 37.57 for every one hundred thousand inhabitants, after posting a rate of 43.9 per 100,000 inhabitants in 2019.²¹

28. In this same vein, with relation to the recommendation **advance the implementation of the plan for the gradual replacement of the armed forces in public security tasks**, the State reported it has a continual training model in place for members of the Police, with a human rights protection approach, and has trained 11,099 police agents and 1,091 military officers from 2015 to 2019. It also noted that it is planning to have on the ground by 2022 at least 26,183 police agents and thus eventually reduce the use of the Armed Forces in public security tasks.²² It claimed that by strengthening the National Police, it expects that the support of the Armed Forces in public security tasks will gradually decrease in the medium and long term, in keeping with the reduction of levels of violence in the different municipalities of the country. In the first stage, the Public Order Military Police (PMOP) will not provide support in municipalities where homicide rates are below 25 for every 100,000 inhabitants; and in the second stage, in municipalities with fewer than 37 homicides per 100,000 inhabitants.²³

29. Additionally, it reported that it had created the Directorate for Police Disciplinary Matters (DIDAPOL), under which it put into operation the Specialized Unit for Citizen Assistance and Human Rights, reporting it had received 2,659 reports of acts constituting serious or very serious disciplinary offenses and imposing 1,254 punishments of dismissal and 224 administrative punishments; and, opening a total of 14 disciplinary case files relating to excessive use of force, which have been referred to the Office of the Public Prosecutor.²⁴

30. For its part, the National Commission for Human Rights (CONADEH) reported to the IACHR that the State of Honduras currently maintains armed forces on public security duties, including in the Employment and Economic Development Zones.²⁵ Furthermore, the Commission is aware that, since the state of emergency and suspension of guarantees was declared in response to the COVID-19 pandemic, the military forces have been granted broad powers to enforce partial or total curfews.²⁶ In this regard, the

²¹ Secretary of State in the Office of Security, General Directorate of the National Police, Directorate of Planning, Procedures Operations and Continual Improvement, Department of Statistics [Histórico Tasas de Homicidios](#) ['Homicide rates over time'], accessed on February 4, 2021.

²² State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2000, pg. 7.

²³ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2000, pg. 7.

²⁴ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2000, pg. 7.

²⁵ CONADEH, Report on Follow-up of Recommendations of the Report on the Situation of Human Rights in Honduras, received on October 23, 2020.

²⁶ COFADEH, Second Report, [Del Mitch al golpe y de la Pandemia al autoritarismo contra los derechos humanos 01 - 30 de abril](#) ['From Mitch to the coup and from the Pandemic to authoritarianism against human rights April 1-30'], 2020, pgs. 7 and 40.

Decree declaring the state of emergency granted broad discretionary powers to the armed forces, inasmuch as it established that: the National Police, the National Directorate of Investigation and Intelligence, the National Inter-Institutional Force (FUSINA) and the National Anti-Maras and Gang Force, support the Secretariat of State in the Office of Health to implement the emergency and health plans required to maintain order and prevent the spreading of the virus. This decree reportedly deepened the military presence on the streets and in security tasks, even in municipalities where crime rates are low.²⁷

31. For their part, in the framework of the Universal Periodic Review (UPR), civil society organizations recommended that Honduras refrain from deploying the Armed Forces in citizen security operations, commit to a time frame for phasing out the Public Order Military Police (PMOP) and improve the human rights training imparted to the security forces.²⁸

32. The Commission recognizes the efforts put forth to train policemen and military officers, with a human rights approach. Nonetheless, based on the information received from the State, no concrete measure have been observed to replace the armed forces in public security tasks. On the contrary, the information submitted by CONADEH and civil society organizations would seem to suggest that a heavy presence of the military in such duties persists. On this score, the IACHR reminds the State that maintenance of internal public order and citizen security must be primarily reserved for the civilian police corps, and when military forces do intervene in such tasks on an exceptional basis, it should be in extraordinary circumstances, in subordination to the civilian command and supplementally to the civilian forces, under regulations and under their supervision.²⁹ The IACHR urges the State to adopt concrete and effective measures to bring about the gradual withdrawal of the Armed Forces from citizen security tasks. Consequently, based on the information it received, the Commission understands this recommendation to be **pending compliance**.

33. As regards the recommendation **establish a strategy for the progressive disengagement of the armed forces from penitentiary functions**, the State did not submit information. In this regard, according to public information, on June 26, 2020, General Tito Livio Moreno Coello swore in Military Justice Coronel Rony Javier Portillo in the Position of Director of the National Penitentiary Institute and, thus, it is apparent that members of the armed forces continue be involved in penitentiary functions.³⁰ In view of the available information, the IACHR does not have sufficient information to determine whether there has been progress in compliance with this recommendation and, therefore, concludes that it is **pending compliance**.

3. Recommendations regarding the Administration of Justice

- Develop an access to justice plan to ensure that victims, family members and human rights defenders have broad access to investigations and prosecutions related to

²⁷ CONADEH, Follow up on Compliance with the Recommendations of the Report on the Situation of Human Rights in Honduras 2019, received on October 30, 2020.

²⁸ Human Rights Council, [Resumen de las comunicaciones de las partes interesadas sobre Honduras](#) [Summary of Stakeholders' submissions on Honduras] A/HRC/WG.6/36/HND/3, February 25, 2020, par. 22.

²⁹ IA Court of HR. [Caso Alvarado Espinoza y otros Vs. México](#) [Case of Alvarado Espinoza et al v. Mexico], Merits, Reparations and Costs. Judgment of November 28, 2018. Series C No. 370, pars. 181 and 182.

³⁰ Tiempo digital, [Juramentan a coronel Portillo como nuevo director del INP](#) [Coronel Portillo sworn in as new director of INP], June 26, 2020; La Prensa Honduras, [Coronel Rony Javier Portillo asume como titular del Instituto Nacional Penitenciario](#) [Coronel Rony Javier Portillo takes office as head of National Penitentiary Institute], June 27, 2020, p. 4.

human rights violations in order to strengthen an independent and impartial justice system.

- Strengthen the Office of the Special Prosecutor for Crimes against Life, provide it with protocols, sufficient personnel and an adequate budget to combat impunity for crimes against human rights defenders and journalists, with a differentiated approach and gender perspective. In addition, urgently provide a budget for the Special Prosecutor's Office for the Protection of Human Rights Defenders and Journalists, Social Communicators and Justice Operators.
- Adopt a human rights approach in anticorruption policies.

34. As for the recommendation **develop a plan to ensure access to justice for victims, family members and human rights defenders related to human rights violations**, the State reported to the IACHR that it has not made any progress toward compliance with this recommendation.³¹ Likewise, CONADEH told the IACHR it had not discussed, drafted or proposed any access to justice plan.³² In view of the information it received, the Commission concludes that this recommendation is **pending compliance**.

35. In relation to the recommendation **strengthen the Office of the Prosecutor for Crimes against Life and the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators, provide it with protocols, sufficient personnel and adequate budget to combat impunity for crimes against human rights defenders and journalists**, the State reported that the Bullet Shot Death Victims' Unit is staffed with 35 prosecutors and 14 investigating agents in Tegucigalpa and 12 agents in San Pedro Sula and has a Section for Violent Deaths of Vulnerable Groups. Additionally, the Forensic Medicine Directorate was strengthened with 47 additional specialists hired nationwide.³³ In its observations on the draft of this report, the State said that in order to ensure a differentiated approach to address each of the aspects related to violent deaths as a priority, the Special Prosecutor's Office for Crimes against Life is made up of the following sections: (i) Preliminary examination, Hearings and Trials; (ii) Homicides of Minors; (iii) Violent Homicides of Women (which conducts investigations with a gender perspective); (iv) Homicides of Members of Vulnerable Social Groups; (v) Organized Crime Homicides, which includes homicides of transport workers; (vi) Homicides by Members of the Security and/or Defense Forces, State Officials. It also mentioned that there is a manual for the investigation of violent homicides of women. In addition, the adoption of the Model Latin American Protocol for the Investigation of Gender-related Killings of Women (femicide/feminicide) is under consideration.³⁴

³¹ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2000, pg. 7.

³² CONADEH, Follow up on Compliance with the Recommendations of the Report on the Situation of Human Rights in Honduras 2019, received on October 30, 2020, pg. 6.

³³ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2000, pg. 8.

³⁴ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 8.

36. With respect to the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators (FEPRODDHH), the State reported that as of October 23, 2020, it was staffed with 6 prosecutors, three assistant prosecutors; and it operates nationwide. As for investigations into acts of violence against defenders, the State noted that, in 2019, the FEPRODDHH brought 28 complaints for violation of freedom of expression, of which 21 cases were under investigation.³⁵

37. Similarly, the State reported that the Office of the Attorney General of the Republic officially established the specialized inter-institutional group to draw up a due diligence protocol for the investigation of crimes committed against human rights defenders and in this way maximize the quality and impact of the draft protocol³⁶, in accordance with what the Inter-American Court of Human Rights determined in operative paragraph 8 of its judgment in the case of Ángel Pacheco León and in operative paragraph 6.F of his judgment in the case of Carlos Escaleras Mejía.³⁷ This group is made up of the following offices: Office of the Special Prosecutor for Crimes against Life, FEDH, FEPRODDHH, International Agreements and Matters Unit, Technical Criminal Investigation Agency (ATIC), General Directorate of Prosecutor's Offices and the Forensic Medicine Directorate of the Office of the Public Prosecutor, the criminalistics and criminology divisions of the DPI of the SEDS, Directorate of Legal Compatibility with Conventions, General Directorate of the Protection System (DGSP) of the SEDH and the Office of the Attorney General of the Republic, in turn, with the participation and assistance of the Office of the United Nations High Commissioner for Human Rights in Honduras (OACNUDH). It noted that it has held workshops on international standards and the careful review of the development and process of investigations, and detailed study of the guidelines of the Minnesota Protocol, where each institution of the specialized inter-institutional group would complete a matrix to identify its role, remit and existing documentation to comply with the guidelines established by the protocol.³⁸

38. Based on the information submitted, the Commission does not have enough facts to be able to assess the progress of the Office of the Prosecutor for Crimes against Life in combating impunity, or whether a differentiated approach and a gender perspective are being used. Furthermore, it does not have sufficient information to enable it to determine whether the budget allocated to the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators is adequate. Accordingly, it concludes that this recommendation is **pending compliance**.

39. In relation to the recommendation **adopt a human rights approach in anticorruption policies**, the State did not submit any information.

40. The Commission notes that Honduras is ranked second highest in perception of corruption in public institutions in Central America.³⁹ In this regard, the Commission regrets that

³⁵ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2000, pg. 8.

³⁶ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2000, pg. 9.

³⁷ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 7.

³⁸ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2000, pg. 9.

³⁹ Criterio HN, [Honduras sigue punteando en corrupción, según Transparencia Internacional](#) [Honduras continues to lead in corruption, according to Transparency International'], January 23, 2020; La Tribuna, [Transparencia Internacional: Empeoran los índices de corrupción en Honduras](#). [Transparency International: Corruption indexes worsen in Honduras'], January 24, 2020.

on January 17, 2020, the State of Honduras decided not to renew the agreement of OAS Mission to Fight Corruption and Impunity in Honduras (MACCIH).⁴⁰ In its observations on the draft of this report, the State indicated that as a result of the non-renewal of the MACCIH-OAS Agreement, the Specialized Anti-Corruption Prosecution Unit (Unidad Fiscal Especializada Contra la Corrupción) was created, which has the power to investigate crimes committed by corruption networks in the public administration. It also indicated that during 2020, the Special Prosecutor's Office for Transparency and Fight against Public Corruption (FETCCOP) was strengthened through training for its staff in order to improve performance in the investigation and prosecution of corruption cases. In that regard, it noted that during 2020, FETCCOP secured the convictions of three Ministry of Health officials and three private citizens.⁴¹

41. It also mentioned that the Public Prosecutor's Office had decided to implement a change of organizational culture, especially in the National Prosecutorial Support Unit (Unidad Nacional de Apoyo Fiscal – UNAF), making efforts to combat corruption in all its forms more effective and professional, in order to ensure due process and prompt and equitable justice as well as safeguarding the rights of people under investigation through a risk management system, with priority given to indictments that have regained momentum or have an impact on Honduran society.⁴²

42. In its country report, the Commission noted it received information on complaints of serious acts of corruption as one of the major factors preventing the use of available resources to ensure human rights, particularly ESCERs. Over 2020, the Commission became aware of further acts of corruption that could have repercussions on the enjoyment of human rights, particularly on the right to health. According to public information, in the context of the COVID-19 pandemic, a corruption scandal came to light, that was reportedly linked to the purchase of overpriced mobile hospitals, biosafety material and ventilators, in addition to the loss of thousands of COVID-19 test kits.⁴³ In response, on August 12, 2020, people mobilized on the streets of Tegucigalpa to protest the alleged corruption in the management of funds allocated to combat the pandemic.⁴⁴ In this regard, the IACHR has held that corruption through diversion of public resources makes it impossible or difficult for the State to allocate “the maximum amount of available resources” to this area of health.⁴⁵

43. In its observations on the draft of this report, the State reported that the Public Prosecutor's Office opened 27 ex officio complaints related to acts of corruption concerning mobile hospitals, biosecurity material and PCR-COVID tests, which are currently under

⁴⁰ OAS, [Comunicado de la Secretaría General de la OEA sobre finalización de la MACCIH](#), [Press release from the OAS General Secretariat on termination of the MACCIH], January 17, 2020; DW, [Corrupción hunde a Honduras en la pobreza y la desigualdad, 28 de febrero de 2020](#); [‘Corruption plunges Honduras into poverty and inequality February 28, 2020’]; CNN, [Gobierno no renueva convenio de la Maccih con la OEA](#), [‘Government does not renew MACCIH agreement with OAS’], January 18, 2020.

⁴¹ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 9.

⁴² State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 9.

⁴³ DW, [Honduras protesta en plena pandemia: “¿Dónde está el dinero?”](#), [‘Honduras protests in the middle of pandemic: “Where’s the money?”’], August 13, 2020; France24, [Honduras: denuncian corrupción en la compra de hospitales móviles](#), [‘Honduras: corruption reported in purchase of mobile hospitals’], September 15, 2020.

⁴⁴ DW, [Honduras protesta en plena pandemia: “¿Dónde está el dinero?”](#), [‘Honduras protests in the middle of pandemic: “Where’s the money?”’], August 13, 2020.

⁴⁵ IACHR, [Corrupción y derechos humanos: Estándares interamericanos](#), [‘Corruption and Human Rights: Inter-American Standards’], OEA/Ser.L/V/II. Doc. 236, December 6, 2019, par. 165.

investigation. It pointed out that to date, FETCCOP has prosecuted two cases related to acts of corruption committed by public officials during the pandemic and the accused have been formally indicted. It said that UNAF had admitted a complaint regarding the implementation of direct procurement processes authorized by the IHSS Intervention Commission, for which reason an investigation was duly opened.⁴⁶

44. Additionally, the Commission has learned about the creation of the Secretariat of State in the Office of Transparency, which is responsible for the formulation, promotion, coordination, implementation and evaluation of public strategy and policies relating to transparency and anti-corruption efforts.⁴⁷ Notwithstanding, this body has been called into question on several accounts by civil society organizations because it is considered to duplicate the functions of other agencies that are already engaged in anti-corruption actions.⁴⁸ In its observations on the draft of this report, the State indicated that Decree No. PCM 128-2020, published on January 9, 2021, amended Articles 1, 4, 5, 6, 9, 10 and 11 (first paragraph) of Decree No. PCM 111-20, establishing the creation and functions of the Secretariat for Transparency (SDT), which is in charge of advising and assisting the President of the Republic with the formulation, promotion, coordination, execution and evaluation of comprehensive public policies and strategies in relation to corruption prevention, transparency, and good governance.⁴⁹ It also said that FETCCOP has a Crimes against Social Security Sectors Section, which deals with offences committed against the Public Administration Sectors. Likewise, it reported on the opening of the office of the United Nations Office on Drugs and Crime, which will provide technical support in the areas of transparency, fight against drug trafficking, and the fight against money laundering and crime.⁵⁰

45. The IACHR emphasizes the importance of developing and implementing at all levels of government, a number of public policies aimed at consolidating a comprehensive strategy to combat corruption using a human rights-based approach. The objective of these measures should be institution building, oversight and shrinking spaces for acting with discretion, accountability and monitoring of public activities.⁵¹ In that regard, the Commission takes note of the measures that are reportedly about to be implemented by the State, as well as the institutions that have been created to combat corruption. Therefore, the Commission will be attentive to its implementation and will continue to closely monitor the implementation of this recommendation. Based on the foregoing, it considers that this recommendation is **pending compliance**.

4. Recommendations with respect to Freedom of Expression

⁴⁶ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 10.

⁴⁷ La Gaceta [Official gazette], [Decretos Ejecutivos números PCM-111-2020](#), [Executive Decrees numbers PCM-111-2020], November 6, 2020.

⁴⁸ WOLA, [Secretaría de Transparencia creada por el poder ejecutivo debilita lucha anticorrupción en Honduras](#), [‘Secretariat of Transparency created by executive branch weakens anti-corruption efforts’], November 13, 2020; [Criterio HN, Crece rechazo a la paralela anticorrupción del gobierno](#), [‘Rejection grows for government’s parallel anticorruption’], November 9, 2020.

⁴⁹ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 11.

⁵⁰ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 12.

⁵¹ IACHR, [Corrupción y derechos humanos: Estándares interamericanos](#), Corruption and Human Rights: Inter-American Standards, OEA/Ser.L/V/II. Doc. 236, December 6, 2019, par. 11.

- Review national legislation and remove crimes that may restrict the exercise of the right to freedom of expression and the work of journalists.
- Review the Law for the Classification of Public Documents Related to National Security and Defense and the regulations adopted subsequently, to ensure their compatibility with the principles developed by international human rights law.

46. As for the recommendation **review national legislation and remove crimes that may restrict the exercise of the right to freedom of expression and the work of journalists**, the State indicated that as of the date of the instant report, no progress has been made in this regard⁵².

47. The Office of the Special Rapporteur for Freedom of Expression received information about enactment of a new Criminal Code in Honduras on June 25, a statute that was called into question by national and international civil society organizations because of its restrictive contents in terms of freedom of expression, of assembly and association. The concerns are based on the inclusion of crimes against honor, such as defamation of character and slander, as criminal offenses and provisions attaching criminal liability to offenses committed during the exercise of the right to demonstrate, which could infringe rights such as the right to freedom of expression and access to information.⁵³ In the context of the COVID-19 pandemic, articles of the Code punishing with prison time anyone who “spreads a human epidemic through the dissemination of pathogenic agents or germs” caused great concern, as this could lead to curtailment of the exercise of freedom of citizen protests in a context of scarce resources and economic crisis. Also causing concern is that these articles criminalize the dissemination of “fake” economic news or rumors.⁵⁴ For its part, the National Anti-corruption Council sent a letter to the IACHR voicing its concern over the provisions of the Code that could favor impunity and criminalize the defense of human rights. The executive branch also stated concern over some aspects of the Code, and submitted a proposed amendment to the legislative body.⁵⁵

⁵² Estado de Honduras, Observaciones del Estado de Honduras al Informe Situación de los derechos humanos en Honduras 2019, 30 de octubre de 2020, p. 10.

⁵³ DW, [Entra en vigencia polémico código penal en Honduras. \[‘Controversial criminal code comes into force in Honduras’\]](#), June 25, 2020; La Prensa, [Nuevo Código Penal es un riesgo grave para la libertad de expresión en Honduras.](#) [‘New Criminal Code is a serious risk to freedom of expression in Honduras’], June 25, 2020; CPJ, [Honduras adopta Código Penal que mantiene los ‘delitos contra el honor’.](#) [‘Honduras adopts Criminal Code that maintains “crimes against honor”’], June 29, 2020; Artículo 19, [Llamado al Congreso Nacional de Honduras para suspender y revisar el nuevo Código Penal, el cual es adverso a la libertad de expresión.](#) [‘Honduras suspends and revises the new Criminal Code, which is adverse to freedom of expression’], June 8, 2020; Pasos de Animal Grande, [Dicen Organizaciones Internacionales: Nuevo Código Penal contribuye a la adversidad para ejercer el periodismo y lesiona seriamente los DDHH en Honduras.](#) [‘International Organizations Say: New Criminal Code contributes to adversity for practice of journalism and seriously undermines Human Rights in Honduras, June 8, 2020.

⁵⁴ Article 19, [Informe especial C.O.V.I.D: Libertad de expresión e información durante pandemia de COVID-19 en México y CA.](#) [‘Special COVID Report: Freedom of expression and information during COVID-19 pandemic in Mexico and Central America’], July 2020.

⁵⁵ DW, [Entra en vigencia polémico código penal en Honduras. \[‘Controversial criminal code comes into force in Honduras’\]](#), June 25, 2020; La Prensa, [Nuevo Código Penal es un riesgo grave para la libertad de expresión en Honduras.](#) [‘New Criminal Code is a serious risk to freedom of expression in Honduras’], June 25, 2020; CPJ, [Honduras adopta Código Penal que mantiene los ‘delitos contra el honor’.](#) [‘Honduras adopts Criminal Code that maintains “crimes against honor”’], June 29, 2020.

48. Additionally, the Special Rapporteurship received information about reports and prosecutions against journalists for doing their job of reporting. For example, journalist Milton Benítez, director of the program *El perro amarillo*, became the defendant in a private criminal suit brought by Banco Atlántida for alleged defamation of character in news shows, after reporting alleged irregularities in operations of the institution in a Central American country. The suit was admitted by the Judgment Tribunal of the Supreme Court of Justice (CSJ) on January 14.⁵⁶ Subsequently, the president of the Bank, Guillermo Bueso, filed new suits for defamation of character against Benítez. According to the attorney of the media outlet director, a total of 33 suits were brought against the journalist by the head of the bank.⁵⁷

49. Journalist Jairo López reported that a new criminal prosecution was brought against him by the Office of the Public Prosecutor, charging him with “Possession of Commercial Explosives, Possession of a Homemade Device, Possession of Illegal Controlled Substances (powder with chlorate) and Attempt on the Interior Security of the State.”⁵⁸ On October 22, the Courts found him guilty and ordered him to stand trial for the crimes possession of commercial explosives, illegal possession of controlled substances (powder with chlorate) and possession of police equipment, as the Office of the Public Prosecutor reported in a communiqué.⁵⁹ The broadcaster is banned from leaving the country and must report to the judicial authority every 15 days.⁶⁰

50. The director of Investment and Strategy Honduras (INVEST-H), Marco Bográn, threatened on May 4 to bring a criminal complaint against executive officers of the national Anti-corruption Council (CAN) Gabriela Castellanos and Odir Fernández after that body released a report on April 24 decrying the purchase of masks at a higher price than then the purchase price for the same masks by the Secretariat of Health (SESAL). “When this is all over they will have to go to court to have it out with me, to answer for the defamation and the harm they have caused to my family,” stated Bográn. According to the CAN, the high cost at which INVEST-H acquired the masks caused a loss of 45,200,088 lempiras to the State. During the COVID-19 pandemic, civil

⁵⁶ C-Libre. [Por querrela, periodista será llevado a juicio oral y público. \[‘Journalist will stand public oral trial for a private criminal complaint’\]](#) January 24, 2020; C-Libre. [Informe Trimestral. Alertas por violaciones a la libertad de expresión](#) [‘Quarterly Report. Alert against violations of freedom of expression’]; El perro amarillo TV, [Banco Atlántida Interpone Querrela Contra Milton Omar Benítez](#). [‘Banco Atlántida brings suit against Milton Omar Benítez’], October 14, 2019; CPJ, [Periodistas del medio hondureño El Perro Amarillo reciben amenazas de muerte en las redes sociales](#). [‘Journalists of Honduran media outlet El Perro Amarillo receive death threats via social media’], February 27, 2020

⁵⁷ Twitter account of Milton Benítez (@MiltonBenitezTV). August 31, 2020 [31 de agosto de 2020](#); STN Honduras [¡Por difamación! Querellan nuevamente a Milton Benítez «El Perro Amarillo»](#) [‘For defamation! Suit brought against director of El Perro Amarillo’]; August 31, 2020; C-Libre, [Un total de 33 querrelas por injurias se han interpuesto contra director de “El Perro Amarillo”](#). [‘A total of 33 suits for slander are been brought against the director of El Perro Amarillo’], September 7, 2020.

⁵⁸ C-Libre. [Informe Trimestral. Alertas por violaciones a la libertad de expresión](#) [‘Quarterly Report. Alert for violations of freedom of expression’]; C-Libre, [Resurge persecución contra periodista Jairo López](#) [‘Prosecution against journalist Jairo Lopez revived’], February 28, 2020.

⁵⁹ Office of the Public Prosecutor (Ministerio Público). [Auto de Formal Procesamiento contra ciudadano que utilizaba explosivos y generaba violencia en manifestaciones en Choluteca](#). [‘Formal order to stand trial against a citizen who used explosives and caused violence in demonstrations in Choluteca’], October 23, 2020.

⁶⁰ Pasos de Animal Grande, [Cárcel por más de 20 años: Jueza decreta autos de prisión por tenencia de explosivos e indumentaria policial contra periodista Jairo López](#). [‘Jail for more than 20 years: Judge orders custody for possession of explosives and police gear against journalist Jairo Lopez’], October 22, 2020; C-Libre [Juzgado declara culpable a periodista y agudiza criminalización en su contra](#). [‘Court finds journalist guilty and further criminalizes him’] October 28, 2020.

society organizations have decried several acts of alleged corruption in managing funds to deal with the crisis.⁶¹

51. The Criminal Chamber of the Supreme Court of Justice (CSJ) upheld on July 21 the sentence of Police Commissioner and deputy to the National Congress María Luisa Borjas to two years of prison for the crime of slander constituting defamation. The chamber denied the motion to appeal via cassation filed by the legislator and declared the judgement of February 18, 2019, issued by the Designated Sentencing Tribunal of Tegucigalpa, “firm and enforceable.” The private criminal suit against the congresswoman was brought by businessman Camilo Átala, whom she had accused of being the mastermind behind the murder of environmentalist Berta Cáseres, and called into question the failure of the Office of the Public Prosecutor to act in that and other crimes.⁶² In a communiqué, the National Network of Human Rights Defenders in Honduras and C-Libre decried the imposition of silence “through violence or criminalization, for themselves or for anyone who dared to raise their voices of denunciation together with them.”⁶³ In October, in search of medical care after being diagnosed with COVID-19 and with the potential arrest warrant looming over her, the congresswoman reportedly left the country.⁶⁴ In its observations on the draft of this report, the State indicated that the proceeding against María Luisa Borjas is a private one and the Public Prosecutor’s Office would need authorization to take it up.⁶⁵

52. In view of the lack of information from the State on the compliance of these recommendations, the Commission understands they are **pending compliance**.

53. In relation to the recommendation **review the Law for the Classification of Public Documents Related to National Security and Defense and the regulations adopted subsequently**, the State reported that no progress was made.⁶⁶

54. Based on the information received by the Office of the Special Rapporteur, on February 10, 2020, the Constitutional Chamber of the Supreme Court of Justice declared the law “partially unconstitutional,” by majority vote. Because the ruling

⁶¹ Confidencial, [Director de Investh amenaza con demandar a cúpula del CNA por informar sobre compras amañadas](#). [‘Director of Investh threatens to sue the senior leadership of CAN for reporting on rigged purchases’], April 27, 2020.; C-Libre, [Titular de INVEST-H amenaza con querrelar a responsables de informe sobre corrupción por COVID 19](#). [‘Head of INVEST-H threatens to sue those responsible for report on corruption from COVID-19’], May 8, 2020.

⁶² Annual Report of the Inter-American Commission on Human Rights 2019. [VOLUMEN II INFORME ANUAL DE LA RELATORÍA ESPECIAL PARA LA LIBERTAD DE EXPRESIÓN](#). [Volume II Annual Report of the Office of the Special Rapporteur for Freedom of Expression], OEA/Ser.L/V/II. Doc. 5 February 24, 2020. par. 823.

⁶³ El Pulso, [Ratifican condena de cárcel a la diputada María Luisa Borjas](#). [‘Jail sentence for deputy Maria Luisa Borjas upheld’], July 21, 2020; Pasos de Animal Grande, [Ratifica la cárcel para la parlamentaria: Sala de lo Penal rechaza Recurso de Casación a favor de diputada María Luisa Borjas](#). [‘Jail sentence for parliamentarian upheld: Criminal Chamber denies appeal of deputy María Luisa Borjas’], July 21, 2020.

⁶⁴ El Pulso, [María Luisa Borjas sale del país por Covid-19 y temor por situación legal](#). [‘María Luisa Borjas leaves the country because of Covid-19 and fear of legal situation’], October 5, 2020; C-Libre, [Condena por delitos contra el honor orilla a diputada opositora salir del país](#). [‘Conviction for crimes against honor forces opposition deputy to leave country’], October 13, 2020.

⁶⁵ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 14.

⁶⁶ State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2000, pg. 10.

was not approved unanimously, it has to be examined by the plenary Court.⁶⁷ Since its 2015 country report, the Commission expressed concern on March 7, 2014, over the approval and enactment of the aforementioned law, and urges the State to review it. The IACHR finds that this recommendation is **pending compliance**.

5. Recommendations with respect to Inequality, Poverty and Exclusion: Economic, Social, Cultural and Environmental Rights

- Ensure sufficient, equitable and sustainable financing of health services that seeks universal access to quality facilities, goods and services.
- Adopt legislation and public policies focused on the construction of fiscal policies aimed at the eradication of extreme poverty and the reduction of social inequality.
- Develop a business and human rights national plan. This includes the design, implementation and effective application of an adequate normative framework and public policy for the protection of human rights in the framework of business activities, observing international standards in the matter.

55. As concerns the recommendation **ensure sufficient, equitable and sustainable financing of health services that seeks universal access to quality facilities, goods and services**, the Commission and its Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) are aware that the State began the program Fuerza Honduras ('Strength Honduras') on July 20 for twelve of the 298 municipalities of the country, the purpose of which is to transfer funds to each municipality to set up triage facilities, health outreach operations and to hire health care personnel.⁶⁸ By August 14, all of these funds had been transferred to all of the municipalities of the country.⁶⁹ The State further reported that the 2020 budget for the Secretariat of Health (SESAL) was more than 15 million Lempiras (approximately \$62,1373.50 USD). In this same vein, the State communicated to the IACHR and its REDESCA that it approved the 2019-2022 Work Plan in the health area to ensure the supply of medicine, surgical supplies, reduced surgical backlog, epidemiological situations, among other objectives. The State also noted that it has 8 national hospitals, 6 regional hospitals and 17 area hospitals, 447 health centers staffed with doctors, 1,097 centers staffed with nurses, 74 maternal infant and children's clinics and 3 peripheral clinics, for a total of 1,652 health units in 2019.⁷⁰ Under Legislative Decree 33-2020, in the framework of the humanitarian and COVID-19 health emergency, the National Congress authorized SEFIN, in fiscal years 2020 and 2021, to take on internal and external debt, redistribute or reallocate available external resources, for a maximum amount of USD \$2.5 billion. These resources will be used to endow the National Health System with Immediate Response Capabilities for the control, containment and spreading of the

⁶⁷ El Tiempo, [Sin unanimidad, declaran "inconstitucional parcial" la Ley de Secretos](#); ['Without unanimity, Secrecy Law declared "partial unconstitutional"'], February 10, 2020., Criterio, [Corte declara inconstitucionalidad parcial de Ley de Secretos](#). ['Court declares partial unconstitutionality of Secrecy Law'], February 10, 2020.

⁶⁸ Office of the Presidency Official Press. [Programa Fuerza Honduras arranca este lunes con primeras transferencias a alcaldías para combate de pandemia](#). ['Fuerza Honduras Program kicks off this Monday with first transfers to Mayor's Offices to combat pandemic'], July 19, 2020.

⁶⁹ National Television of Honduras. [Recursos de Fuerza Honduras están en los 296 municipios del país](#). ['Resources from Fuerza Honduras are in 296 municipalities of the country'], August 14, 2020.

⁷⁰ State of Honduras, Secretariat for Human Rights, Follow-up Report on Compliance with the Recommendations of the IACHR, October 2020, pg. 10.

epidemic. The budget executed by the SESAL to counteract the effects of the pandemic, as of October 16, 2020, is 527,526,433.7 lempiras.⁷¹

56. Additionally, CONADEH noted that it has been making several observations with respect to the situation of health services in the country. Particularly, as a consequence of the COVID-19 pandemic, there have been a number of shifts in the approach to, and adaptation of, health services. These shifts include 2,000 the addition of hospital beds, as well as changes in laboratories, physical spaces, increased personnel, and more, which all helps to strengthen the national health system. Nonetheless, these new aspects require further support and must be made sustainable and the right to health must be protected with a more robust budget, and that budget must be managed efficiently and transparently.⁷² Moreover, in its latest report on its proceedings in the context of the health emergency, CONADEH noted that the main violation cited in complaints was in relation to the right to health. This includes health service coverage, equipment supply, medicine and medical supplies and provision of personal protective equipment. Complaints were also filed about the lack of care for patients and persons with delicate health conditions from other diseases. CONADEH indicates that, based on type of care, 57% of the complaints relating to COVID-19 were filed because of rights violations perpetrated by State authorities, while another 47%, were for disrespecting individuals and orientations or for failures or shortcomings in humanitarian assistance. Furthermore, most complaints were filed against individuals, and then against institutions of the State, mostly against the Secretariat of Health (299 complaints), municipal governments (127 complaints), National Police (110 complaints) and penitentiary facilities (50 complaints), among others.⁷³

57. On this score, the Commission and its REDESCA are concerned that, according to the information provided by CONADEH there is evidence in 94 complaints of acts of discrimination and stigma, among the complaints fielded over the period of the health emergency, 44 of which were directly related to COVID-19, mostly against health personnel, journalists and persons infected with COVID-19; and for a variety of types of humanitarian assistance, mostly relating to lack of food. Most of these 44 complaints of discrimination were brought for violations of the right to physical integrity (11 complaints), right to work (6 complaints), right to honor and dignity (6 complaints), right to health (5 complaints each) and right to petition and acts of public administration (3 complaints each), and others.⁷⁴

⁷¹ State of Honduras, Secretariat for Human Rights, Follow-up Report on Compliance with the Recommendations of the IACHR, October 2020, pg. 11.

⁷² State of Honduras, Secretariat for Human Rights, Follow-up Report on Compliance with the Recommendations of the IACHR, October 2020, pg. 9.

⁷³ CONADEH, [Tercer Informe Especial al pueblo y gobierno de Honduras: Actuaciones del CONADEH para garantizar la protección y respeto de la dignidad humana de las personas y de la población en general, durante la situación de emergencia sanitaria a causa del coronavirus y del dengue grave en Honduras](#), [“Third Special Report to the people and government of Honduras: Proceedings of CONADEH to ensure the protection and respect for human dignity of persons and of the population in general, during the situation of health emergency caused by the coronavirus and serious dengue fever in Honduras”], July 2020, pgs. 61-62.

⁷⁴ CONADEH, [Tercer Informe Especial al pueblo y gobierno de Honduras: Actuaciones del CONADEH para garantizar la protección y respeto de la dignidad humana de las personas y de la población en general, durante la situación de emergencia sanitaria a causa del coronavirus y del dengue grave en Honduras](#), [“Third Special Report to the people and government of Honduras: Proceedings of CONADEH to ensure the protection and respect for human dignity of persons and of the population in general, during the situation of health emergency caused by the coronavirus and serious dengue fever in Honduras”], July 2020, pg. 63.

58. For its part, the Commission and its REDESCA take note that according to public information, in light of the current situation of the public health system of the country, the State response has not been able to cope with the overdemand and huge burden weighing on it. On July 6, four months after the pandemic broke out, national media reported that 26 of the 28 public hospitals, that were used to admit Covid-19 patients, were not supplied with biosafety equipment and enough beds to meet demand, forcing many sick patients to wait for hours in chairs before they could be seen.⁷⁵ In August, while there was a decrease in the number of Covid-19 patients who were flocking to the hospitals of the industrial cities of the country, the remaining 16 departments -the rural area of the country – experienced a phase of exponential growth in the number of cases at hospitals, which were already in a state of near collapse due to the systematic lack of resources of the public health system.⁷⁶

59. Likewise, different reports from civil society organizations point to a lack of transparency in public procurement processes conducted during the health emergency. In this context, the State was denounced for potential fraud for overpricing, negligence of authorities in purchase of deficient biosafety equipment and dereliction of duty in decision-making.⁷⁷ This includes overpaying for seven mobile hospitals to care for Covid-19 patients. Only two of the seven hospital units arrived and these units they were not completely outfitted as necessary to be operational, some of them equipped with only outdated equipment.⁷⁸ Furthermore, on June 22, through publicly available information, it was learned that the company that sold these mobile hospitals to Honduras through the Strategic Investment Unit of Honduras (Invest-H) had forged the records of another company that was in the business of manufacturing these hospital units.⁷⁹ Additionally, health workers filed a number of complaints pointing to the lack of necessary supplies and substandard conditions at hospital facilities, including that these sites were not properly outfitted to care for children and adolescents, specifically, that no special protocol was in place for this purpose.⁸⁰

60. In its observations on the draft of the present report, the State said that a complaint had been filed in order to determine possible overvaluation and fraud; the investigation is at an advanced stage with the support of ATIC investigators and biomedical experts. It mentioned that as of February 2020, Honduras had seven mobile hospitals.⁸¹

61. In the view of the Commission and its REDESCA, it is also important to stress that in the context of the pandemic, the indigenous communities of the country experienced a differential impact, which has a direct bearing on their conditions of accessibility and other core guarantees for effective protection of their right to health. The lack of effective medical coverage in indigenous territories can cause additional serious impacts on the lives, integrity and health of

⁷⁵ Prensa Latina. [Falta de recursos y personal agrava crisis sanitaria en Honduras](#). [‘Lack of resources and personnel aggravates health crisis in Honduras’], July 6, 2020.

⁷⁶ Criterio HN. [Pandemia no se ha aplanado, se ha trasladado al área rural, dicen médicos](#)[‘Pandemic has not flattened out, it is moved to the rural area, doctors say’]. August 17, 2020.

⁷⁷ Criterio HN. [Honduras: La corrupción y la miseria del sistema de salud provocan muerte y desesperanza](#). [‘Honduras; Corruption and poor conditions of the health system cause death and despair’], August 10, 2020.

⁷⁸ Infobae. [Capturan en Honduras a exfuncionarios acusados de corrupción con fondos del covid-19](#). [‘Former government officials charged with corruption in Covid-19 funding are arrested in Honduras’], October 5, 2020.

⁷⁹ CriterioHN. [Nuevo escándalo de corrupción en torno a compra de hospitales en Honduras](#). [‘New corruption scandal around purchase of hospitals in Honduras’], June 22, 2020.

⁸⁰ Criterio HN. [Niñez y juventud: en abandono estatal en medio de la pandemia](#). [‘Children and youth: abandoned by the State in midst of pandemic’], May 31, 2020.

⁸¹ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 16.

these individuals. By way of example, in the territory of the San Francisco Locomapa Tribe, there is only one rural medical care facility, which is quite removed from the area where the people of this community live, and not properly supplied with medications or sufficiently staffed.⁸² This community, in particular, has been granted precautionary measures from the IACHR since 2013, because of the critical situation it faces in its struggle against illegal extractive activities of logging on their ancestral territories and the failure to be consulted in advance of such activities.⁸³ According to civil society organizations, thus far, the State has reportedly taken no concrete measures to prevent further exposure to risk of the communities to the virus.⁸⁴

62. On June 15, human rights organizations and the Penitentiary Table of the country demanded a humanitarian intervention at the penitentiary of Támara in the department of Francisco Morazán and the rest of the country because of the alarming resurgence of Covid-19 infections at Honduran prisons.⁸⁵ They also denounced that the Constitutional Chamber of the Supreme Court of Honduras rejected a motion for release of seniors deprived of liberty with chronic-terminal conditions, which was filed by the National Committee for the Prevention of torture and other cruel and inhuman treatment (CONAPREV).⁸⁶

63. The IACHR reminds the State of Honduras to integrate an ethnic-racial perspective and an intercultural approach into all public health policies that may be implemented for the purpose of counteracting the COVID-19 pandemic. Additionally, it urges the State to provide for plans/strategies that are focused on ethnic communities, particularly on the Garifuna and indigenous, respecting their alternative ancestral medicinal practices, and providing clear, accessible and inclusive information about medical procedures that will be performed on them in their native languages.

64. Lastly, the Commission and its REDESCA view with concern that, because of the precarious conditions of the public health system, many people that present Covid-19 symptoms have opted to pay for a test at a private laboratory before using a public hospital in order to get a rapid or PCR test.⁸⁷ Nonetheless, for those who have no other option than public health facilities, there have been several testimonials of the incapacity of those facilities to test for the virus, as well as the lack of qualified personnel, medicine and medical equipment.⁸⁸

65. On this score, in IACHR Resolution 1/2020, the Commission mentions that States are obligated to ensure that measures taken to address the pandemic and its consequences include, on a priority basis, the human right to health and its basic social

⁸² Criterio HN. [Solicitan proteccion a la CIDH ante crisis alimentaria y por Covid de etnia Tolupán en Honduras](#). [‘IACHR requests protection in response to food crisis and for Covid of Tolupán ethnic group in Honduras’], June 4, 2020.

⁸³ Criterio HN. [Solicitan proteccion a la CIDH ante crisis alimentaria y por Covid de etnia Tolupán en Honduras](#). [‘IACHR requests protection in response to food crisis and for Covid of Tolupán ethnic group in Honduras’], June 4, 2020.

⁸⁴ Criterio HN. [Solicitan proteccion a la CIDH ante crisis alimentaria y por Covid de etnia Tolupán en Honduras](#). [‘IACHR requests protection in response to food crisis and for Covid of Tolupán ethnic group in Honduras’], June 4, 2020.

⁸⁵ CriterioHN. [Demandan “intervención humanitaria” en cárceles ante alarmantes casos de Covid-19](#). [‘“Humanitarian intervention” demanded at jails in response to alarming Covid-19 cases’], June 15, 2020.

⁸⁶ CriterioHN. [Demandan “intervención humanitaria” en cárceles ante alarmantes casos de Covid-19](#). [‘“Humanitarian intervention” demanded at jails in response to alarming Covid-19 cases’], June 15, 2020.

⁸⁷ Criterio HN. [Honduras: La corrupción y la miseria del sistema de salud provocan muerte y desesperanza](#). [‘Honduras; Corruption and poor conditions of the health system cause death and despair’], August 10, 2020.

⁸⁸ Criterio HN. [Honduras: La corrupción y la miseria del sistema de salud provocan muerte y desesperanza](#). [‘Honduras; Corruption and poor conditions of the health system cause death and despair’], August 10, 2020.

determinants, which are related to the content of other human rights such as the right to life and personal safety, and other economic, social, cultural and environmental rights.⁸⁹ Likewise, one of the obligations assumed by the States in the framework of the Inter-American System, in relation to ESCERs, is linked to their obligation to use up to the maximum resources available, understanding this to mean all of these resources and not just those allocated to the health sector. Furthermore, the Commission and its REDESCA recall that among the funding mechanisms available to the State is the ability to seek funding through international cooperation, either at multilateral funding agencies, with non-governmental organizations or with other States. In particular, these opportunities should be conducive to full participation by the groups and sectors most affected by the pandemic, including, among others, civil society, national human rights agencies, academia, and experts and institutions that specialize in economic, social and cultural and environmental rights, public and global health, and the right to development.⁹⁰ In this regard, the Commission and its REDESCA find that there has been **partial compliance** with this recommendation, with the understanding that there are still some challenges in completely funding health services and thus make it possible to effectively guarantee universal access to them.

66. In relation to the recommendation **adopt legislation and public policies focused on the construction of fiscal policies aimed at the eradication of extreme poverty and the reduction of social inequality**, the Commission and its REDESCA take note that, based on the information cited by the State in the foundational principles of the Framework Law of the Social Protection System and Social Protection Policy, plans and programs are implemented making up the Social Protection Floor. This policy, the State notes, benefits more than 1 million homes with 3.5 million people living in vulnerable situations, including children, adolescents, women, indigenous peoples and Afro-descendants, older persons, returning migrants, persons with disability and LGBTI persons.⁹¹

67. Likewise, the State noted that in order to address the issue of multidimensional poverty, a number of programs have been put in place focusing on different groups in situation of vulnerability through a strategy involving several actors. Additionally, the State formed an Economic and Social Cabinet to implement the Investment Plan for the Economic Reactivation of the Country 2020-2021, with people and job creation at the center. This Economic Reactivation Plan will provide continuity and expand job opportunities, access to productive goods and financial inclusion, just as it has been promoting for populations that have been excluded from these rights, such as women, indigenous peoples and Afro-Hondurans, young people and people living in extreme poverty in both rural and urban areas, and persons with disability.⁹² In this same context, the Commission and its REDESCA take note of implementation of the Alianza para el Corredor Seco (ACS) or Alliance for the Dry Corridor, which is an initiative supported by international agencies focused on joining efforts to reduce poverty and malnutrition through strategic investments in vulnerable communities of the Dry Corridor of Honduras. It targets the beneficiary homes and communities of the departments of Intibucá, La Paz, Lempira, Copán, Santa Bárbara and Ocotepeque, by means of increased income, job opportunities, productivity, access

⁸⁹ IACHR, [Resolución 1/2020](#): Resolution 1/2020 Pandemic and Human Rights, par. 4.

⁹⁰ IACHR, [Resolución 1/2020](#): Resolution 1/2020 Pandemic and Human Rights, paras. 82- 84.

⁹¹ State of Honduras, Secretariat for Human Rights, Follow-up Report on compliance with the recommendations of the IACHR, October 2020, pg. 11.

⁹² State of Honduras, Secretariat for Human Rights, Follow-up Report on compliance with the recommendations of the IACHR, October 2020, pg. 12.

to markets and financial services, as well as governance in the management of water and access to better services of health and maternal child nutrition.⁹³

68. The Commission and its REDESCA also bear in mind that, according to CONADEH, studies conducted by different organizations cite a lack of positive results and impacts in implementing the fiscal policy. To illustrate this, the studies entitled Effect of the Fiscal Policy on Inequality and Poverty suggests that the fiscal policy limits the country's development possibilities, especially, of those who inhabit rural areas. In this same vein, CONADEH embraces the recommendations that express the urgent need to promote a comprehensive, fair, sustainable and adequate fiscal policy to achieve social cohesion. For this purpose, the State must focus on making adjustments in order to eliminate the regressive tax structure, which is propped up by indirect taxes, which have a greater impact on lower income people. It must optimize distribution of public outlays to the population that really needs them, especially vulnerable groups. It must guide public expenditures also to make access to education and health universal. And it must also promote formal employability in the rural area as a mechanism to extend the resources and services of the State to this population.⁹⁴ These decrees are economic relief measures, which have been providing support to taxpayers in relation to payment of their fiscal obligations; however, thus far, there are still taxpayers who have not met their obligations because they have been unable to get back to their former jobs from before the pandemic.⁹⁵

69. Additionally, the Commission and its REDESCA take note of the information reported by the Coalition against Impunity in Honduras, indicating that 68.2% of people in Honduras live in conditions of poverty,⁹⁶ 40% of whom live in conditions of extreme poverty.⁹⁷ The REDESCA received reports suggesting that inequality and poverty in the country had become worse over the past 10 years, since the 60% decrease in the purchasing power of the Lempira and the dollarization of goods and services, such as Internet, significantly hampered the upward social mobilization of families living in poverty.⁹⁸ Likewise, the REDESCA finds it worrisome that, according to FOSDEH, the country's expenditure on education and health has grown on average 3 and 2 percent, respectively, while the expenditures on security and defense together are 21 per cent.⁹⁹ In its observations on the draft of this report the State noted that the

⁹³ State of Honduras, Secretariat for Human Rights, Follow-up Report on compliance with the recommendations of the IACHR, October 2020, pg. 12.

⁹⁴ CONADEH, Follow-up Report on Recommendations from the Reports on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights, pg. 10.

⁹⁵ CONADEH, Follow-up Report on Recommendations from the Reports on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights, pg. 11.

⁹⁶ Conexihon. [Políticas públicas fallidas mantienen en pobreza y desigualdad a Honduras](#). [Failed public policies keep Honduras in poverty and inequality], November 15, 2020.

⁹⁷ Social Forum for the External Debt and Development of Honduras (FOSDEH). Report submitted to the Executive Secretariat of the IACHR on compliance with the recommendations. Human Rights in Honduras October 2020, in IACHR/REDESCA archive.

⁹⁸ Social Forum for the External Debt and Development of Honduras (FOSDEH). Report submitted to the Executive Secretariat of the IACHR on compliance with the recommendations. Human Rights in Honduras October 2020, in IACHR/REDESCA archive.

⁹⁹ Social Forum for the External Debt and Development of Honduras (FOSDEH). Report submitted to the Executive Secretariat of the IACHR on compliance with the recommendations. Human Rights in Honduras October 2020, in IACHR/REDESCA archive.

percentage of households in extreme poverty went from 40.0 in 2015 to 36.7 in 2019, while the percentage of households below the poverty line went from 63.8 to 59.3,¹⁰⁰

70. Likewise, in the view of the Commission and the REDESCA, it should be noted that peasant organizations protested in May when they were excluded from Executive Decree PCM-030-2020 to “ensure food sovereignty and security,” approved by the Council of Ministers on April 11.¹⁰¹ In their statement, they accused the State of awarding lands belonging to national and communal property (*ejidal*) in concession, which could be benefiting large agro-industrial companies and leaving a minimal amount of property available to small and medium producers.¹⁰² In addition to this fact, it is also important to note that the presence of the State security forces in the commonly-owned and public territories started to increase and, as a result, civil society organizations mentioned increased persecution and criminalization of defenders of lands and territories.¹⁰³ In April, as a result of the pandemic, human rights defender organizations filed a motion for constitutional relief via *amparo* with the Constitutional Chamber of the Supreme Court of Justice on behalf of the 15,000 children and adolescents living on the street and at high risk of infection and death from COVID-19. The Court had not even granted the motion, as of May 31, one month and a half later.¹⁰⁴ In its observations on the draft of this report, the State said that in order to increase agricultural productivity and profitability, Executive Decree No. PCM-052-2019 of September 5, 2019, created the “Honduran Agricultural Development Program,” which envisages a with a four-year action plan that targets independent producers, in which classification the Decree includes peasant associative production enterprises and peasant cooperatives.¹⁰⁵

71. In addition, in June the aggravated food crisis faced by the indigenous communities of the Tolupan de San Francisco Locomapa ethnic group, in the department of Yoro was reported. In the context of the COVID-19 health emergency, the “Center for Justice and International Law (CEJIL) and the Movimiento Amplio por la Dignidad y la Justicia (MADJ) requested new protection measures from the IACHR on behalf of 18 members of the MADJ, who live in the communities, asking for the State to be required to ensure access to their rights to food and health. Discriminatory acts against this community were reported when food aid was distributed in the communities, as retaliation for being members of the MADJ.¹⁰⁶

72. In this regard, in its observations on the draft of this report, the State noted that on April 27, 2020, an application for constitutional relief (*amparo*) was filed in favor of the Tolupán San Francisco de Locomapa Tribe with the Administrative Court of San Pedro Sula, Department of Cortés. The application was admitted on April 28, 2020, and the Municipal Corporation of Yoro, in the Department of Yoro, was ordered within 24 hours to supply, in coordination with the Preventive Council of the Tribe, sufficient quality food and to respecting

¹⁰⁰ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 18.

¹⁰¹ La Tribuna. [Presidente Hernández presenta plan para garantizar seguridad alimentaria de la población.](#) [‘President Hernandez introduces plan to ensure food security of the population’], April 12, 2020.

¹⁰² Conexihon. [Programa de soberanía alimentaria deja en vulnerabilidad a campesinos hondureños.](#) [‘Food sovereignty program leaves Honduran peasants vulnerable’], May 29, 2020.

¹⁰³ Conexihon. [Programa de soberanía alimentaria deja en vulnerabilidad a campesinos hondureños.](#) [‘Food sovereignty program leaves Honduran peasants vulnerable’], May 29, 2020.

¹⁰⁴ Criterio HN. [Niñez y juventud: en abandono estatal en medio de la pandemia.](#) [‘Children and youth: abandoned by the State in midst of pandemic’], May 31, 2020.

¹⁰⁵ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 19.

¹⁰⁶ Criterio HN. [Solicitan proteccion a la CIDH ante crisis alimentaria y por Covid de etnia Tolupán en Honduras.](#) [‘Tolupan ethnic group seeks protection from the IACHR in response to food crisis and Covid’], June 4, 2020.

and ensure all the rights of the members of the San Francisco de Locomapa Tribe, in accordance with international standards and with special attention to the list provided by the appellants. On April 29, 2020, the Report of the Office of the Municipal Mayor of Yoro on the supply of food to the San Francisco de Locomapa Tribe was submitted.¹⁰⁷

73. It should be pointed out that even before hurricanes ETA and IOTA, 15.6% of the Honduran population did not have access to public or private water service, while 7.1% are without any sanitation system.¹⁰⁸ Likewise, UNICEF noted that only 18% of Honduran households in Garifuna, indigenous and Afro-Honduran communities have safe water and sanitation service.¹⁰⁹ In light of this situation, the REDESCA emphasized the importance of the right to water, which must be accessible, affordable and adequate. It is of particular importance in these times in order to be able to take the most basic personal hygiene measures to avoid the spread of the Covid-19 virus.

74. Therefore, the Commission and the REDESCA reiterate that persons and families living in a situation of poverty are at high risk of losing their source of employment, or of experiencing a drastic decrease or loss of subsistence income because of social distancing, stay-at-home and quarantine orders or ordinances, which lead to closure or constraints on different business activities. When measures do not include a human rights approach, not only do they tragically expose the drastic and complex situations in which these populations are living, but in turn put them at greater risk of infection and harm to their health, because they are forced to flout the measures they are supposed to be taking so they are able to gain essential access to sources of water and food. In short, the context of the pandemic places disproportionate, unfair and often untenable burdens on these communities, and they must face on a daily basis the dilemma of maintaining social distance or ignoring the prescribed measures in order to survive.¹¹⁰

75. In view of the foregoing, the Commission and the REDESCA find **partial compliance** with this recommendation, inasmuch as poverty rates continue to be high, despite the State's efforts to address this situation in different ways. The State must continue to make every effort possible so that it can address this situation through different mechanisms prioritizing the population sectors living in the most vulnerable situations.

76. Lastly, with respect to the recommendation **develop a business and human rights national plan**, the Commission and its REDESCA take note that in 2019 the United Nations Working Group on the issue of human rights and transnational corporations and other business enterprises (also known as the Working Group on Business and Human Rights), conducted a visit to Honduras in order to oversee implementation of the guiding principles in the drafting of its national plan. Additionally,

¹⁰⁷ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, parr. 20.

¹⁰⁸ Conexihon. [Políticas públicas fallidas mantienen en pobreza y desigualdad a Honduras](#). [Failed public policies keep Honduras in poverty and inequality], November 15, 2020.

¹⁰⁹ Proceso Digital. [COVID-19 agudiza violaciones de derechos de niñez indígena y afro en Honduras](#). [COVID-19 worsens violations of rights of indigenous Afro children in Honduras], July 30, 2020.

¹¹⁰ IACHR, Press Release 124/20 [CIDH y su REDESCA urgen a los Estados a proteger con efectividad a las personas que viven en situación de pobreza y pobreza extrema en las Américas frente a la pandemia del COVID-19](#), [IACHR and its OSRESCER urge States to Provide Effective Protection for People Living in Poverty and Extreme Poverty in the Americas during the Covid-19 Pandemic], June 2, 2020

the Secretariat for Human Rights of the country mentioned that a multi-stakeholder space had been created to ensure a broad, inclusive, transparent and coordinated process made up of representatives of civil society organizations, the State and private sector with the presence of the Office of the High Commissioner for Human Rights and of the Danish Institute for Human Rights.¹¹¹ Also, the Secretariat for Human Rights and the Inter-American Institute of Human Rights jointly hosted a virtual seminar on Disseminating the Guiding Principles on Business and Human Rights. Lastly, the SEDH participated in a workshop hosted by FUNDAHRSE also about disseminating the Guiding Principles on Business and Human Rights. For its part, the State was able to announce that the Honduran Council of Private Enterprise approved the Institutional Policy of Business and Human Rights, in consultation with the SEDH. Likewise, the National Association of Industrials has put into place a National Action Plan of Industry and Human Rights.¹¹²

77. For its part, CONADEH reported it had entered into a memorandum of understanding on human rights cooperation for compliance with international standards on business and human rights. Likewise, it notes that the Honduran Council of Private Enterprise (COHEP) secured a subsidy for a project sponsored by the Fundación Centro de Gestión Tecnológica e Informática Industrial (CEGESTI) and the International Labor Organization (ILO), aimed at promoting businesses of the country, the issue of Business and Human Rights and advocating for training processes on the subject.¹¹³ Similarly, the REDESCA will take careful note of the creation of the Committee of Businesses and Human Rights, that is made up of 76 businesses, including Chambers of Commerce and Associations, in addition to implementation of CONADEH's institutional policy on Business and Human Rights.¹¹⁴

78. Additionally, the REDESCA received a report from FOSDEH, voicing its concern over the 484 concessions for natural resource exploitation granted to national and transnational corporate groups. These authorizations include extractive activities such as mining and hydroelectric plants, whose socio-environmental impact mostly affects indigenous and Afro-descendant territories.¹¹⁵ In its observations on the draft of this report, the State indicated that according to the database of the Mining Cadastre Registry Unit, the following have been granted and classified: 74 metallic mining concessions in exploration, 21 metallic mining concessions in exploitation, 91 non-metallic mining concessions in exploration, 97 non-metallic mining concessions in exploitation, 5 processing concessions.¹¹⁶

79. Social organizations have also denounced that these activities have lacked prior, free and informed consultation with the communities affected by operation of these projects, even though the Honduran State has invited missions from the Office of the United Nations Special

¹¹¹ Secretariat for Human Rights of Honduras, [Honduras destaca importantes avances en el tema de Empresas y Derechos Humanos](#), [‘Honduras highlights important progress on the issue of Business and Human Rights’], September 8, 2020

¹¹² State of Honduras, Secretariat for Human Rights, Follow-up Report on compliance with the recommendations of the IACHR, October 2020, pg. 13

¹¹³ CONADEH, Follow-up Report on Recommendations from the Reports on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights, pg. 12

¹¹⁴ CONADEH, Follow-up Report on Recommendations from the Reports on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights, pg. 13

¹¹⁵ Social Forum for the External Debt and Development of Honduras (FOSDEH). Report submitted to the IACHR Executive Secretariat on compliance with the recommendations. Human Rights in Honduras. October 2020.

¹¹⁶ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 21.

Rapporteur for Indigenous Peoples and the Working Group on Business and Human Rights.¹¹⁷ These visits provided guidelines on prior consultation and recommendations in the framework of international standards, but still no visible substantial progress has been made by the State to promote the protection of the human rights of indigenous peoples and Afro-descendants in the context of business activities.¹¹⁸ Consequently, the REDESCA underscores that extractive activities of this nature must focus on the wellbeing and rights of the persons and communities, more than on economic statistics and commodities.¹¹⁹

80. On this score, in light of the recent publication of the report on business and human rights, the REDESCA places itself at the disposal of the Honduran State to contribute to creating a Plan of Action. Especially in view of the principal recommendations reflected in the thematic report and other instruments of the Inter-American system.

81. Accordingly, the Commission and its REDESCA note that there is **partial compliance** with this recommendation because, as of this time, no plan of action on the subject matter has been conceived or implemented. As such, the IACHR and the REDESCA recall the framework of implementation of the recommendations of the IACHR report on Business and Human Rights, prepared by the REDESCA, especially for matters relating to the processes of creating National Action Plans regarding business and human rights in States that use this route as a public policy tool in this field, bearing in mind the applicable general standards referred to in Chapters II, III, IV and V of the Report of the Commission.¹²⁰

6. Recommendations regarding the Rights of Human Rights Defenders

- Take urgent measures to avoid judicial harassment of human rights defenders, such as protocols and training for justice officials, in order to prevent judicial investigations from subjecting human rights defenders to unfair or unfounded trials.
- Immediately implement in an appropriate and effective manner, precautionary measures granted by the Commission. In this regard, the State must ensure that the measures adopted are appropriate and effective. Likewise, the Commission urges the State to strengthen the investigation of the sources of risk giving rise to the precautionary measures, in order to mitigate them.
- Strengthen the Mechanism for the Protection of Human Rights Defenders and Journalists so that it can meet the increased demand for protection measures and ensure their effective implementation. Additionally, it is recommended to urgently

¹¹⁷ Secretariat for Human Rights of Honduras, [Honduras destaca importantes avances en el tema de Empresas y Derechos Humanos](#), [‘Honduras highlights important progress on the issue of Business and Human Rights’], September 8, 2020.

¹¹⁸ Idem

¹¹⁹ IACHR and REDESCA. Business and Human Rights: Inter-American Standards. November 1, 2019, par. 45.

¹²⁰ IACHR and REDESCA. Business and Human Rights: Inter-American Standards. November 1, 2019, Recommendation 2

adopt a comprehensive public policy of prevention and protection for human rights defenders and to allocate the necessary budget for its effective implementation.

82. In relation to the recommendation **take urgent measures to avoid judicial harassment of human rights defenders**, the State reported that the Office of the Public Prosecutor has implemented training processes on human rights for 286 justice operators, while the FEDH has trained 2,254 justice operators.¹²¹

83. The State further noted that the SEDH, through the DGSP, has undertaken actions aimed at raising citizen awareness about the importance of the job performed by human rights defenders, for which it issued several communiqués about a variety of topics recognizing their work and speaking out against discrimination and has conducted 31 training and dissemination day-long workshops targeting public servants responsible for law enforcement, training 900 people, including defenders, indigenous communities, Garifunas, trade unions, journalists, communicators and justice operators. For its part, CONADEH reported to the IACHR that it had held training sessions in conjunction with the judiciary for justice operators and facilitators and created a forum for dialogue between parties with the assistance of the Offices of the Delegations nationwide.¹²²

84. The Commission welcomes the measures being taken by the State. However, it notes that improper use of the criminal justice system continues to be a recurring practice of harassment against human rights defenders in Honduras. On this score, the Commission requested information from the State about cases of alleged criminalization, in which 31 environmental rights defenders of the Guapinol Community were subjected to criminal prosecution for the crimes of unfair deprivation of liberty, aggravated arson, robbery and unlawful association, as possible retaliation for their work as defenders of land, territory, water and environment in Honduras.¹²³ In this regard, the State reported to the IACHR that on March 3, 2020, the appeal filed by the defenders who were being held in custody was denied. It further noted that the defenders' due process rights were being guaranteed, because the Trial Court with Nationwide Jurisdiction in Criminal Matters was exercising judicial oversight of the respective investigations, thus ensuring the technical and material defense of the defendants, as appears in the case proceedings file. Likewise, it claimed that the defenders are being accompanied by international observers, as well as CONADEH and the San Alonso Foundation, guaranteeing in this way another principle of due process, to wit, the public nature of the proceedings.¹²⁴

85. Additionally, the State reported to the IACHR that in the context of the Special Technical Advisory Board (MESAT), in conjunction with the IACHR, two training sessions are scheduled to be held for justice operators and other State actors on the topic of criminalization of human rights defenders. It further noted that the SEDH has undertaken efforts aimed at raising citizen awareness about the importance of the job performed by human rights defenders, for which it had issued several communiqués about a variety of issues recognizing their work and has conducted 31 one-day training and education sessions targeting public servants responsible for the enforcement of the Law to Protect Human Rights Defenders, training 900 people including defenders, indigenous communities, Garifuna, trade union members, journalists, communicators

¹²¹ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 19.

¹²² CONADEH, Follow-up Report on Recommendations of the Report on the Human Rights Situation in Honduras, received on October 23, 2020, pg. 21.

¹²³ Request for information from the State pursuant to Article 41 of the American Convention on Human Rights.

¹²⁴ State of Honduras, Official Letter No. SSDH-O-PROM-073-2020, October 15, 2020.

and justice operators.¹²⁵ In its observations on the draft of the present report, the State highlighted that during 2020, there were 7 awareness-raising efforts on the Protection Mechanism (2 of them by virtual means) in which 135 human rights defenders, 7 social communicators, and 2 justice operators were trained on the workings of the Protection Mechanism.¹²⁶ It also reported that within the framework of MESAT, the General Directorate of the Protection System, in conjunction with the IACHR, prepared a Directory of Stakeholders (institutions, civil society organizations, and beneficiaries), after which it presented comments on the implementation of the Law on Protection for Human Rights Defenders, Journalists, Social Communicators, and Justice System Operators in accordance with Inter-American standards.¹²⁷

86. The IACHR stresses that the criminalization of human rights defenders stigmatizes them collectively and sends an intimidating message to anyone who intended to denounce or had already denounced human rights violations.¹²⁸ The IACHR has said that opening groundless criminal investigations or judicial actions against human rights defenders not only has a chilling effect on their work but it can also paralyze their efforts to defend human rights.¹²⁹

87. Moreover, it concerns the Commission that over 2020 it continued to receive information about acts of violence against human rights defenders, in particular against those who defend the environment. In this regard, the Commission learned of the murder of environmental leader Arnold Morazón Erazo, which took place on October 13 inside his home in Tocoa, department of Colon, and who was one of 32 people charged in the Guapinol case.¹³⁰ The Commission was also informed about the murder of environmental defender José Antonio Teruel, which took place on September 27, in the municipality of Patuca, Olancho¹³¹ and about the murder of environmental defender Marvin Damián Castro Molina, whose lifeless body was found on July 14 of this year.¹³²

88. In its observations on the draft of the present report, the State indicated with respect to the murder of Arnold Morazón that investigative procedures had been carried out, as

¹²⁵ State of Honduras, Official Letter No. SSDH-O-PROM-073-2020, October 15, 2020.

¹²⁶ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 22.

¹²⁷ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 23.

¹²⁸ IACHR, [Segundo Informe sobre la Situación de las Defensoras y los Defensores de Derechos Humanos en las Américas](#), [Second Report on the Situation of Human Rights Defenders in the Americas] OEA/Ser.L/V/II, December 31, 2011, par. 79.

¹²⁹ CIDH, [Segundo Informe sobre la Situación de las Defensoras y los Defensores de Derechos Humanos en las Américas](#), [Second Report on the Situation of Human Rights Defenders in the Americas] OEA/Ser.L/V/II, December 31, 2011, par. 76.

¹³⁰ Front Line Defenders, [Asesinato del defensor Arnold Joaquín Morazón Erazo criminalizado por su defensa del río Guapinol](#), [Murder of defender Arnold Joaquín Morazón Erazo, criminalized for his defense of the Guapinol River], December 21, 2020; DW, [Ambientalistas hondureños: un premio Sájarov manchado de sangre](#), [Honduran environmentalists: a blood-stained Sakharov Prize], October 19, 2020.

¹³¹ CriterioHN, [Asesinan ambientalista José Antonio Teruel junto a su esposa y cuñado](#), [Environmentalist Jose Antonio Teruel murdered along with his wife and brother in law], September 28, 2020; Defensores en línea, [Asesinan al ambientalista José Antonio Teruel, a su esposa y cuñado](#), [Environmentalist Jose Antonio Teruel, his wife and brother in law murdered], September 28, 2020; FIDH, [HONDURAS: Instamos al gobierno de Honduras a investigar asesinatos de defensores de DDHH](#), [We urge the government of Honduras to investigate the murders of Human Rights defenders], October 5, 2020.

¹³² France 21, [Hallan muerto a un ambientalista que había desaparecido en Honduras](#) [Environmentalist who had disappeared in Honduras found dead], July 14, 2020; FIDH, [Honduras: Asesinato del defensor ambiental Marvin Damián Castro Molina](#) [Honduras: Murder of environmental defender Marvin Damian Castro Molina], July 15, 2020.

had the examination of the corpse with the participation of the appropriate authorities, collection of evidence, and its processing by experts. The exhumation of the corpse was also requested in order to collect trace evidence from the victim's corpse. It stated that the Public Prosecutor's Office had issued an investigation order indicating the steps to be taken in that process. It also reported having requested the collaboration of the Planning and Analysis Unit of the DPI to verify, based on the information obtained, whether the environmentalist dies in violent circumstances from causes inherent to his work as a defender or causes unrelated to that function.¹³³

89. Likewise, the Commission learned about the alleged forced disappearance of four leaders members of the Garifuna community of El Triunfo de la Cruz, on July 18, 2020.¹³⁴ According to public information, armed persons, wearing uniforms and vests of the Police Investigations Directorate (DPI) stormed onto the territory of the Garifuna community of Triunfo de la Cruz and took from his home leader Alberth Sneider Centeno, president of the town council of the Garifuna community of El Triunfo de la Cruz, in Tela, department of Atlantida, and member of the Black Fraternal Organization of Honduras (OFRANEH). Subsequently, this same armed group reportedly entered the home of Milton Joel Martínez Álvarez, Suami Aparicio Mejía and Gerardo Mizaël Rochez, also members of OFRANEH; their whereabouts continue to be unknown.¹³⁵ The IACHR requested information from the State on this subject.¹³⁶

90. The State reported to the IACHR that it had received a report through the appropriate authorities, of an alert being issued to the different units of the National Police and moving technical equipment to conduct the appropriate investigation inspections, among other actions. It further said that three search and rescue teams had been formed, while the Regional Section of the Office of the Special Prosecutor for Crimes against Life of San Pedro Sula, department of Cortes, instructed two prosecuting attorneys to continue the investigations. The State also reported about an arrest warrant that was executed on an allegedly responsible person on July 22, 2020, for the crimes of illegal possession or illegally carrying a gun, unlawful association and improper use of uniforms, badges and police and military equipment.¹³⁷ In its observations on the draft of this report, the State informed the IACHR that the FEDH would continue with the investigations into the forced disappearance of the leaders of the community of Triunfo de la Cruz, a case to which a Prosecutor with the San Pedro Sula Regional Unit and a group of agents of the Technical Agency for Criminal Investigation had reportedly been

¹³³ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 24.

¹³⁴ Criterio. Hn, [Asesinan ambientalista José Antonio Teruel junto a su esposa y cuñado](#), ['Environmentalist Jose Antonio Teruel murder along with his wife and brother in law'], September 28, 2020; El Heraldo, [Teruel, el guerrero de sonsira trsite que luchó contra las injusticias](#), ['Teruel, warrior with the sad smile fought against injustice'], October 3, 2020.

¹³⁵ Office of the United Nations High Commissioner for Human Rights, [OACNUDH condena la desaparición forzada de Alberth Sneider Centeno, presidente del Patronato de la comunidad Garífuna de El Triunfo de la Cruz, y de tres personas más pertenecientes a la comunidad](#), ['OUNHCHR condemns forced disappearance of Alberth Sneider Centeno, president of the Town Council of the Garifuna community of El Triunfo de la Cruz, and of three more people belonging to the community'], July 19, 2020; Amnesty International, [Honduras: Gobierno debe encontrar garífunas desaparecidos y garantizar protección a la comunidad](#), ['Honduras: Government must find disappeared Garifuna and ensure protection of the community'], July 24, 2020

¹³⁶ Request for information from the State pursuant to Article 41 of the American Convention on Human Rights.

¹³⁷ State of Honduras, Note N° 083/MPHOEA/2020, August 11, 2020.

assigned.¹³⁸ The Commission urges the Honduran State to continue the search, as well as the investigations into the events that occurred, ensuring due diligence and punish those responsible.

91. Furthermore, the Commission has also noted that the crimes against the human rights defenders have remained in impunity. On this score, the Commission does not have sufficient information on progress in the investigations into the crimes committed against human rights defenders. In the particular case of defender Ienka Berta Cáceres, the Commission has noticed that it has still not shown substantive progress. Civil society organizations reported to the Commission that, as of October of this year, the public oral trial phase of proceedings against David Castillo, former manager of DESA had not gotten under way, and it is unknown whether the Office of the Public Prosecutor has made any progress as for other persons that could have been involved in planning the crimes.¹³⁹ In its observations on the draft of the present report, the State pointed out that in January 2021, the First Chamber of the National Sentencing Court suspended the evidentiary hearing, due to the fact that the defense of Engineer Castillo Mejía filed a new motion to recuse.¹⁴⁰

92. In its observations on the draft of this report, the State mentioned that the Public Prosecutor's Office, through the FEDCV, had been engaged in intensive investigations in December 2020 on crimes committed against human rights defenders to reduce impunity. It reported that house raids had been carried out as part of those investigations¹⁴¹. The Commission takes note of the information provided by the State. However, it observed that in general terms impunity for these crimes remains. The Commission reminds the State that the most effective way to protect human rights defenders is to diligently investigate acts of violence against them and punish those responsible as both actual perpetrators and masterminds and that impunity leaves defenders at greater risk in a situation of defenselessness and unprotected, which encourages the repetition of these crimes.¹⁴² Based on the foregoing, this recommendation is **pending compliance**.

93. With respect to the recommendation **immediately implement in an appropriate and effective manner, precautionary measures granted by the Commission**, the State asserted that of the 195 active cases: 164 cases are protection measures that have been granted by domestic proceeding and 31 cases are precautionary measures ordered by the IACHR, which are under the responsibility of the Protection Mechanism. In relation to the precautionary measures of the IACHR, the State noted that 2 are on behalf of social communicators; 25, human rights defenders; 2, justice operators; and 2, journalists. The State did not submit further information as to implementation of the precautionary measures.¹⁴³

¹³⁸ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 25.

¹³⁹ Amnesty International, Honduras, Input for the Annual Report of the Inter-American Commission, received October 15, 2020.

¹⁴⁰ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 14.

¹⁴¹ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, parr. 14.

¹⁴² IACHR, [Segundo Informe sobre la Situación de las Defensoras y los Defensores de Derechos Humanos en las Américas](#), [Second Report on the Situation of Human Rights Defenders in the Americas], OEA/Ser.L/V/II, December 31, 2011, par. 232 and 233.

¹⁴³ Estado de Honduras, Observaciones del Estado de Honduras al Informe Situación de los derechos humanos en Honduras 2019, 30 de octubre de 2020, p. 20.

94. In its observations on the draft of this report, the State said that it was implementing protection measures in relation to two cases involving provisional measures ordered by the Inter-American Court of Human Rights. It said that the General Directorate of the Protection System dealt with cases involving the target group, and that once the notification was received from the Attorney General's Office, it proceeded to make the necessary arrangements to implement those measures in accordance with established protocols and processes.¹⁴⁴

95. The IACHR notes that the State has been responding to the requests for information it has made with a view towards having enough facts for analysis under Article 25 of the Rules of Procedure. The IACHR appreciates the State's participation at the working meetings and hearings it has been summoned to attend over the past years. Its participation and dialogue with the IACHR enables it to obtain evidence on the situations that have been brought before it. Even so, the IACHR is aware that there are challenges in implementing several precautionary measures and, therefore, deems this recommendation to be **pending compliance**. Over the month of December, the IACHR was informed about the attempt on the life of Karla Beltrán, a beneficiary of precautionary measures granted by the IACHR. According to the information received on December 6, 2020, armed men opened fire on the residence of Karla Beltrán, when she was about to enter her home, though her police escort managed to protect her.¹⁴⁵ In its observations on the draft of the present report, the State indicated that the attack against Mrs. Beltrán was being investigated by the Police Investigations Directorate.¹⁴⁶ The IACHR calls on the State to continue to take suitable and effective measures on behalf of the beneficiaries and move toward implementation of the precautionary measures with a view towards protecting their rights, as well as guaranteeing spaces for working out disagreements in the domestic arena, and any other actions that may be appropriate. We also recall the importance of investigating the acts that gave rise to the adoption of the precautionary measure, in order to prevent them from happening again. Based on the foregoing information, the IACHR finds this recommendation to be **pending compliance**.

96. As for the recommendation **strengthen the Mechanism for the Protection of Human Rights Defenders and Journalists and adopt a comprehensive public policy of prevention and protection for human rights defenders**, the State noted that the budget of the mechanism has increased by 335% from 2016 to 2020, with a current budget of 22,699,725.00 lempiras (approximately USD \$935,958.69). It said that from 2015 to December 31, 2020, a total of 140 cases involving human rights defenders were registered, of which 40 were related to defense of the environment, 13 cases of ancestral rights and cultural heritage, 15 concerned defense of LGBTI rights, and 35 were filing on behalf of indigenous or Afro-Honduran defenders¹⁴⁷. In relation to adopting a comprehensive public policy, the State reported that, in conjunction with the Office of the United Nations High Commissioner for Human Rights (UNHCHR) in Honduras, adoption of the policy has been prioritized.¹⁴⁸

¹⁴⁴ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, parr. 27.

¹⁴⁵ Information submitted by the Centro de Investigación y Promoción de los Derechos Humanos, December 2020, in IACHR archive.

¹⁴⁶ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 28.

¹⁴⁷ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 29.

¹⁴⁸ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 20.

97. In its observations on the draft of this report, the State emphasized that within the framework of the MESAT, technical support will be provided for the development of a comprehensive public policy on prevention and protection of human rights defenders as part of the strengthening of the Protection Mechanism for human rights defenders, journalist, social communicators and justice operators¹⁴⁹.

98. For its part, CONADEH reported to the IACHR that the College of Journalists of Honduras and the Bar Association of Honduras have withdrawn from the National Protection Council, while two civil society members decried mistreatment by the General Directorate of the Protection System and that this mechanism was not adequately providing protection measures.¹⁵⁰ In its observations on the draft of this report, the State said that it had not received official notification of the withdrawal of the College of Journalists. Regarding the alleged mistreatment of civil society advisers by the General Directorate of the Protection System (DGSP), the State said that the aforementioned Directorate only served as Executive Secretariat.¹⁵¹

99. For their part, civil society organizations, in the framework of the Universal Periodic Review (UPR), identified several challenges in the mechanism, such as the lack of budget and of trained personnel. They claimed that because of centralization of the mechanism, local authorities and even the police liaisons of the beneficiaries of measures are generally uninformed about the mechanism.¹⁵² They further underscored the lack of confidence in the mechanism because of the high levels of involvement of the State in the assaults against the human rights defenders, and the lack of participation of civil society in the decision-making of the mechanism.¹⁵³ In its observations on the draft of the present report, the State indicated, with respect to the proper implementation of protection measures, that the Technical Committee of the Protection Mechanism granted protection measures in accordance with the processes established in the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators, and based its decisions on the risk assessment, in accordance with Article 37 of the Law. It mentioned that the Technical Committee's decision making is a collegiate process, as established in Article 35(4) of the Rules of Procedure.¹⁵⁴

100. In its observations on the draft of the present report, the State indicated with regard to budget allocation that the Secretariat for Human Rights and the General Directorate of the Protection System had taken steps to ensure that it had a sufficient budget from the National Treasury to ensure the implementation of protection measures and to facilitate the hiring of personnel to optimize the response times of the protection mechanism. Regarding the absence of civil society participation, the State said that the National Protection Council included two

¹⁴⁹ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 29.

¹⁵⁰ CONADEH, Follow-up Report on the Recommendations of the Report on the Situation of Human Rights in Honduras, received on October 23, 2020, pg. 22.

¹⁵¹ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 30.

¹⁵² PBI, [Informe para el Examen Periódico Universal a Honduras 2020](#), [Report for the Universal Periodic Review of Honduras 2020], Women defenders of land, territory and the environment, September 2019.

¹⁵³ Coalition against Impunity (Coalición contra la impunidad), [Informe Sobre la Situación de Derechos Humanos en Honduras](#), [Report on the Situation of Human Rights in Honduras], 36th Session of the Working Group UPR (May 4-15, 2020), par. 38

¹⁵⁴ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 31.

members (and two alternates) who were selected at the General Assembly of Human Rights Defender Organizations.¹⁵⁵

101. The Commission takes note of the resources allocated by the State for the protection mechanism of defenders, which help it to meet the heavy demand for protection of these groups. It also takes into consideration the potential economic impact that the lockdown necessitated by the COVID-19 pandemic may have had on that budget. However, reminds the State of the need to provide sufficient funding and personnel to meet the actual protection needs of the human rights defenders who are at risk, and always consult with the beneficiaries.¹⁵⁶ By the same token, the IACHR appreciates the States willingness to adopt measures to promote an atmosphere that is conducive to the defense of human rights in the country, which is reflected in the creation of the Specialized Technical Advisory Board. Based on the foregoing, the Commission finds **partial compliance** with this recommendation, and will continue to monitor it for full compliance.

7. Recommendations with respect to the Rights of Indigenous and Afro-descendant Persons

- Adopt the necessary measures to demarcate, title and rehabilitate the lands and territories claimed by indigenous peoples as appropriate.
- Initiate a culturally appropriate procedure to give effect to the right to free prior and informed consultation and consent, which incorporates the provisions of Convention 169 and the international standards in the matter.
- Implement public policies that address the needs of the peoples in the Moskitia, in particular, socio-economic marginalization through effective measures that combat poverty and improve education, employment and health. This includes: guaranteeing the right to preserve their culture and language through the application of a public policy of bilingual education, considering and strengthening their values and transmission of ancestral knowledge; implementing a public policy of comprehensive health care, water and food in the Miksito territory, in which all the urgent needs of this population are addressed and urging employers and fishing companies in the region to comply with the labor rights of Miskito divers and effectively monitor and punish those who fail to comply with these obligations.

102. In relation to the recommendation **adopt the necessary measures to demarcate, title and rehabilitate the lands and territories claimed by indigenous peoples**, the State reported that through an Executive Decree approved on July 15, 2019, the Interinstitutional Sub-commission on Titling, Expansion, Rehabilitation and Protection of the Territories and Natural Resources of the Region of the Moskitia was created. It further noted that around 1.2 million hectares were titled in the name of 12 Indigenous Territorial Councils in the

¹⁵⁵ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 31.

¹⁵⁶ IA Court of HR. [Caso Luna López Vs. Honduras](#). [Case of Luna Lopez v. Honduras], Merits, Reparations and Costs. Judgment of October 10, 2013. Series C No. 269, par. 243.

Moskitia. It also reported the granting of 10 titles of property, totaling more than 371,166 hectares for 2,800 families from 2015 to 2019, the latter lands being State-protected.¹⁵⁷

103. With respect to the creation of the Interinstitutional Sub-Commission to deal with the clearing of title by compensating third party owners ('rehabilitation') in the Moskitia, CONADEH notes that the problems in the region continue and the processes are cumbersome and take a long time. They further note that the territories of other indigenous peoples have still not been cleared of title and rehabilitated legally for ownership. It explains that in different areas of the country it has been denounced that territorial rights of indigenous peoples have been undermined by overlapping or double titling on the same land by the National Agrarian Institute (INA), leading to social conflicts. According to CONADEH, the INA has said that it needs budget items allocated to it in order to be able to move forward in titling the ancestral lands, because most of these lands belong to third persons, who have purchased them.¹⁵⁸

104. In its observations on the draft of the present report, the State said that the Interinstitutional Subcommittee for Regularization in Mosquitia, had reportedly initiated its activities in the Municipality of Puerto Lempira, Department of Gracias a Dios, as its center of operations. It reported having provided INA with a budget of L.-9,000,000.00 (approximately \$30,821,225.98) to start the regularization in 2020.¹⁵⁹

105. The IACHR takes note of the approval of the Executive Decree creating the inter-institutional sub-commission responsible for implementing policies and actions relating to titling, rehabilitation, expansion and protection of the territories and natural resources of the Moskitia.¹⁶⁰ In this regard, the IACHR deems it necessary to have more information about the extent of consultation and coordination with the indigenous peoples and Afro-descendants with respect to the drafting, approval and implementation of this Executive Decree and about progress in the work of the interinstitutional sub-commission. Likewise, the IACHR finds it necessary to have more information about progress in the process of titling, expansion, rehabilitation and protection of the lands and territories of indigenous peoples and Afro-descendants in other parts of the country.

106. The IACHR notes that indigenous peoples and Afro-descendants continue to face a situation of uncertainty about ownership and use of the land, which leads to situations of violence against indigenous leaders who defend their territories. The IACHR is concerned about the little significant progress in compliance with the judgments of the Inter-American Court in the cases of *Garifuna Community of Punta Piedra* and *Garifuna Community of Triunfo de la Cruz*.¹⁶¹ In both judgments, the Court ordered the State to adopt measures to protect the territories of these communities and to investigate the murders of community leaders in the context of the struggle for land. Nonetheless, the Court recently granted provisional measures ordering the State to

¹⁵⁷ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 24.

¹⁵⁸ CONADEH, Follow-up Report on the Recommendations of the Report on the Situation of Human Rights in Honduras, received on October 23, 2020, pgs. 24 and 25.

¹⁵⁹ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 32.

¹⁶⁰ The Gazette, Official Registry of the Republic of Honduras, Executive Branch Executive Decree No. PCM-035, July 15, 2019.

¹⁶¹ IA Court of HR, Case of the Garifuna Community of Punta Piedra and its Members v. Honduras. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 8, 2015. Series C No. 304; IA Court of HR. Case of the Garifuna Community of El Triunfo de la Cruz and its Members v. Honduras. Merits, Reparations and Costs. Judgment of October 8, 2015. Series C No. 305.

determine the whereabouts of four members of the El Triunfo de la Cruz community, who have been missing since they were taken from their homes on July 18 by armed men wearing vests with the initials of the Police Investigation Directorate (DPI).¹⁶² One month earlier, a leader of the Punta Piedra community recognized for his work to demand compliance with the judgements ordered by the Court was murdered.¹⁶³ Because of the situation of risk, the Court also ordered the State to protect the lives and safety of leaders of the Garifuna Communities of El Triunfo de la Cruz and Punta Piedra, who collectively engage in actions to defend the rights of the Garifuna people.¹⁶⁴ Based on the foregoing, the IACHR finds **partial compliance** with this recommendation.

107. In relation to the recommendation **initiate a culturally appropriate procedure to give effect to the right to free prior and informed consultation and consent**, the State reported that the National Congress enlisted the technical support of the Office of the United Nations High Commissioner for Human Rights (UNHCHR) so that the process related to the draft Decree of the “Law on Free, Prior and Informed Consultation,” meets international standards on the subject matter. Additionally, it reported on consultations that represent best practices, in particular, a consultation conducted with the Miskito Territorial Council of DIUNAT in Brus Laguna, in relation to a photovoltaic project and the consultation conducted with the Territorial Councils of the Moskitia with respect to an oil project in coastal areas based on the Miskito Bio-cultural Protocol.¹⁶⁵

108. For its part, CONADEH noted that the Draft Law on Prior Consultation has been before the Congress since 2018 and has still not been thoroughly debated. It cited challenges posed by this bill involving guaranteeing participation of indigenous peoples and that their input be taken into consideration in the drafting of the bill.¹⁶⁶

109. In this regard, the Commission notes that the aforementioned legislative bill has continued to be opposed by the indigenous peoples and Afro-descendants. On this score, the UN Special Rapporteur on the rights of indigenous peoples stated that, just as in the case of a previous legislative bill on consultation, this one presents problems relating to the lack of an adequate process of consultation with respect to the content thereof, and not considering the concerns and the proposals of the indigenous peoples themselves about implementation of the free, prior and informed consultation and consent. The Special Rapporteur recommended the State to ensure a broad discussion and consultation with indigenous peoples about implementation of the prior consultation. In this regard, she underscored the importance of considering the different modalities of implementation, such as autonomous indigenous protocols of consultation and consent or other mechanisms that could be proposed by indigenous peoples.¹⁶⁷

¹⁶² IA Court of HR. [Caso Comunidades Garífunas de Triunfo de la Cruz y Punta Piedra](#). [Case of Garifuna Communities of Triunfo de la Cruz and Punta Piedra], Resolution of Provisional Measures with respect to Honduras. September 2, 2020, Operative item 1.

¹⁶³ IA Court of HR. [Caso Comunidades Garífunas de Triunfo de la Cruz y Punta Piedra](#). [Case of Garifuna Communities of Triunfo de la Cruz and Punta Piedra], Resolution of Provisional Measures with respect to Honduras. September 2, 2020, par. 8.

¹⁶⁴ IA Court of HR. [Caso Comunidades Garífunas de Triunfo de la Cruz y Punta Piedra](#). [Case of Garifuna Communities of Triunfo de la Cruz and Punta Piedra], Resolution of Provisional Measures with respect to Honduras. September 2, 2020, Operative item 2.

¹⁶⁵ State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 24.

¹⁶⁶ CONADEH, Follow-up Report on the Recommendations of the Report on the Situation of Human Rights in Honduras, received on October 23, 2020, pg. 25.

¹⁶⁷ Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, [Sobre el Proyecto de Ley de Consulta Libre, Previa e Informada actualmente ante el Congreso Nacional de Honduras, y el posible impacto en los](#)

110. Additionally, the IACHR has become aware of different protests by the Garifuna community and of indigenous peoples in opposition to the draft *Law on Prior, Free and Informed Consultation*, that is before the National Congress, because they believe there has been a lack of consultation with the ethnic peoples about the bill, and it would jeopardize ownership of their territories in light of the promotion of natural resource extraction activities.¹⁶⁸

111. In its observations on the draft of this report, the State indicated that the Ministry of Natural Resources and Environment submitted the oil exploration concession for consultation, with the Moskitia Asla Takankia (MASTA) organization as a counterpart, from which the appropriate records of the consultation were drawn up. It said that the consultation was carried out in the 12 Territorial Councils in Mosquitia, and that the process concluded with a Document on Demands of the Miskito People to the Government of Honduras. Likewise, the Garifuna people participated in the social and environmental projects arising from that agreement through the Garifuna trusts in the municipality of Juan Francisco Bulnes.¹⁶⁹

112. The IACHR welcomes the information about consultations conducted with the indigenous peoples of the Moskitia, including using the Miskito Indigenous People Bio-Cultural Protocol. Nonetheless, with respect to the oil prospecting proposed in the region, it notes that approval of the contract relating to the project was awarded prior to the start of the consultation process with the Miskito people and that other indigenous peoples of the region have not been consulted.¹⁷⁰ Likewise, it takes note of the concerns regarding the lack of information and transparency about the project and the potential social, cultural and environmental impacts on the traditional territories and coastal areas of indigenous peoples and Afro-descendants of the Atlantic Coast.¹⁷¹

113. The IACHR believes it needs further information about the processes of consultation mentioned by the State in its Report, in particular, about the stage of initiating consultation, the conducting of the consultations, the agreements entered into and any other relevant information about compliance with international standards on free, prior and informed consultation and consent. Based on the foregoing considerations, the IACHR finds this recommendation to be **pending compliance**.

[derechos de los pueblos indígenas](#). [On the draft law of Free, Prior and Informed consultation currently before the National Congress of Honduras], OL HND 5/2019. October 28, 2019.

¹⁶⁸ La Tribuna, [Grupos étnicos hondureños protestan contra proyecto de ley de consulta previa](#), ['Honduran ethnic groups protest prior consultation legislative bill'], January 23, 2020; Telesur, [Protestan contra ley que afecta a comunidades indígenas de Honduras](#), ['Protests against law affecting indigenous communities of Honduras'], January 23, 2020; Agencia Efe, [Indígenas de Honduras se oponen a un proyecto de ley que extraería sus recursos](#), ['Indigenous of Honduras oppose a bill that would extract their resources'], February 10, 2020

¹⁶⁹ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 34.

¹⁷⁰ UN, Report of the Special Rapporteur on the Rights of Indigenous Peoples, regarding her visit to Honduras, A/HRC/33/42/Add.2, July 21, 2016, par. 54; UNAH, FOSDEH, OXFAM, [Territorios en riesgo II: Minería, hidrocarburos y generación de energía eléctrica en Honduras](#), ['Territories at risk II: mining, hydrocarbons and electric power generation in Honduras'] 2019, pgs. 143, 144.

¹⁷¹ UN, Report of the Special Rapporteur on the Rights of Indigenous Peoples, regarding her visit to Honduras, A/HRC/33/42/Add.2, July 21, par. 54; UNAH, FOSDEH, OXFAM, [Territorios en riesgo II: Minería, hidrocarburos y generación de energía eléctrica en Honduras](#), ['Territories at risk II: mining, hydrocarbons and electric power generation in Honduras'] 2019, pgs. 143, 144, 149.

114. In relation to the recommendation **implement public policies that address the needs of the peoples in the Moskitia, in the area of economic, social, cultural and environmental rights**, the State reported on the Alliance for the Development of the Honduran Moskitia (ADMH), which constitutes a mechanism for the coordination and cooperation between the national government, local municipalities, indigenous and Afro-descendant organizations, international cooperation and the United Nations system to promote, finance, administrate and implement sustainable development and territorial governance projects in the region. According to the State, through the ADMH, several sustainable management projects of protected areas, local business enterprises, and agricultural production and product marketing have been promoted in the region. It further reported on a variety of social programs such as school lunches at public education facilities, delivery of social bonuses and relief packages to persons living in vulnerable situations, construction of housing and schools, donation of equipment and medical supplies to the Puerto Lempira hospital; and improvement of infrastructure including some highways and runways and implementation of a photovoltaic project in Brus Laguna.¹⁷²

115. In relation to the **Bilingual Intercultural Education Model**, the State provided information on its implementation nationwide, noting for example that as of 2019, there were 2,955 teachers and student enrolment has increased by 40% to a total of 90,600 students at 1,118 education centers, and more than 300 teachers have been trained in teaching indigenous mother tongues, in addition to initiatives for publication of education materials in indigenous languages.¹⁷³ It also reported on holding educational talks on COVID-19 in Miskito language and showing educational videos on COVID-19 in Garifuna, Tawahka and Miskito languages.¹⁷⁴

116. In its comments on the draft of this report, the State noted that the Ministry of Education had implemented several good practices in the framework of the IBE programs, such as the holding of pedagogical pedagogical for teachers and technical staff, publication on social networks and platforms of the activities carried out in favor of IBE, external cooperation alliances that support reproduction and curricular tools, application of diagnostic instruments to collect necessary information from different educational actors, creation of 150 National Committees to support Intercultural Bilingual Education (CONAEIBH) and departmental and regional committees to support IBE and the formulation of a sample instrument for monitoring and evaluation of the educational quality of indigenous and Afro-Honduran peoples through the Teacher Supervision and Mentoring Unit (USAD) of the Ministry of Education.¹⁷⁵

117. Regarding the regulation of underwater fishing, the State reported on holding awareness-raising sessions on the Regulation of Occupational Safety and Health of Submarine Fishing, which were conducted by the Inter-institutional Commission for the Attention to and Prevention of Issues of Underwater Fishing.¹⁷⁶

¹⁷² State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pgs. 25-27.

¹⁷³ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 27.

¹⁷⁴ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 27.

¹⁷⁵ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 35.

¹⁷⁶ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 28.

118. For its part, CONADEH reported to the IACHR on the limitations posed by the Bilingual Intercultural Education Model in that it requires further action to address the difficulties in access to education that indigenous peoples of the region continue to face. It also mentions the need for greater economic support to young indigenous people of the Moskitia to study in universities. With respect to the activities of AMDH, CONADEH notes that further action is required in regard to health due to the ongoing lack of adequate hospital infrastructure, adequate transportation services for medical emergencies and lack of medical staffing and medical supplies.¹⁷⁷

119. The IACHR welcomes the information provided by the State about the initiatives undertaken through the AMDH. In this regard, it stresses how important it is for such measures to be aimed at providing a comprehensive response to structural problems that impede enjoyment of the rights to health, education and other ESCE rights of the indigenous peoples of the Moskitia. In relation to the different social assistance programs and entrepreneurial projects, among other ones, promoted in the framework of the AMDH, the IACHR would like to have further information about the ethnic, cultural, differential and territorial approach of these measures and the extent of participation of the indigenous peoples of the region themselves in the design and implementation of them.

120. With respect to bilingual intercultural education programs, the IACHR finds it important to have specific information about the particular situation of the Moskitia with respect to education facilities and specialized teachers in bilingual education, and information to help to measure the success of promotion activities in the areas of culture, values and languages of the indigenous peoples of that region. Additionally, it would be grateful to receive any information about the extent of participation of the indigenous peoples of the region themselves in the design and implementation of these education programs and policies.

121. The IACHR notes that the high level of vulnerability in the area of health and other ESCERs of the indigenous peoples of the Moskitia has been further exacerbated by the COVID-19 pandemic and the impacts of Hurricanes Eta and Iota. With respect to the pandemic, the IACHR has been informed about the shortcomings in the State's capacity to contain infection and the health and humanitarian response in indigenous territories, including the Moskitia, in addition to the State not adopting a differential approach to the needs, cultural and linguistic differences and preexisting conditions in these territories and not taking into account their traditional healing and medicine practices. This included the lack of access to information for the indigenous peoples of the Moskitia about the pandemic, its causes and prevention measures. Additionally, attention has been brought to the lack of specific policies to address the economic impacts of the pandemic, including of indigenous persons who had to return to the Moskitia because they lost their jobs and opportunities to study in other parts of the country.¹⁷⁸

122. In this regard, the IACHR reiterates the need for the indigenous people to participate through their representative entities in the formulation and implementation of public policies for prevention and medical care in the context of the pandemic, and that preventive care,

¹⁷⁷ CONADEH, Follow-up Report on the Recommendations of the Report on the Situation of Human Rights in Honduras, received on October 23, 2020, pg. 25.

¹⁷⁸ FOSDEH, [El abandono tiene rostros y consecuencias: Las respuesta estatal COVID-19 profundiza la exclusión de pueblos indígenas y negros desde la perspectiva de derechos humanos](#). [‘Neglect has faces and consequences: the State response Covid-19 deepens exclusion of indigenous peoples and blacks from the human rights perspective’], July 2020, pgs. 26, 30, 31, 46, 47.

traditional healing and medicine practices of the indigenous peoples should be taken into account.¹⁷⁹

123. With respect to the information provided by the State about drafting the Regulation on Occupational Safety and Health of Submarine Fishing, the IACHR believes it needs further information about the extent of consultation with and participation of Miskito people representatives, including representatives of the Miskito divers affected by this activity, and on the implementation and outcomes of it. The IACHR recalls that on May 24, 2014, it brought before the Inter-American Court of Human Rights the case of *Opario Lemoth Morris et al* with respect to Honduras, which deals with the infringement of a number of rights to the detriment of a group of Miskito indigenous people affected by the hazardous working conditions in lobster diving.¹⁸⁰ Based on the foregoing, the IACHR finds **partial compliance** with this recommendation.

8. Recommendations with respect to the Right of Children and Adolescents

- Ensure that the National Policy on Childhood responds to the protection needs of children and is based on a realistic and participatory diagnosis, covering all rights, identifying groups in a particular situation of vulnerability, and including indicators to measure the progress and effectiveness of the policy.
- Review and construct a national strategy for the prevention of violence against children that addresses the structural causes that make this population suffer the effects of criminal groups. In this sense, the State should prioritize the prevention and eradication of sexual violence, and include broad participation of children and adolescents and civil society organizations.

124. In relation to the recommendation **ensure that the National Policy on Childhood responds to the protection needs of children and is based on a realistic and participatory diagnosis, covering all rights**, the Commission notes that the State reported that the National Policy for the Guarantee of the Rights of Childhood and Adolescence in Honduras 2020-2030, is currently in the process of being drafted, and that it is reportedly based on a proposal from civil society.¹⁸¹ They noted that children's and adolescents' organizations and State children's rights institutions took part in the process, reviewed and validated the proposed indicators, and made target projections for the time period covered by the policy. It further noted that this topic is a priority to the Specialized Technical Advisory Board (MESAT), and the policy has been submitted to the IACHR for its comments, even though the implementation process has been hampered by the COVID-19 pandemic.¹⁸² In its observations on the draft of the present

¹⁷⁹ IACHR, Press release No. 103/20, [La CIDH alerta sobre la especial vulnerabilidad de los pueblos indígenas frente a la pandemia de COVID-19 y llama a los Estados a tomar medidas específicas y acordes con su cultura y respeto a sus territorios](#). [‘IACHR Warns of the Specific Vulnerability of Indigenous Peoples to the COVID-19 Pandemic, Calls on States to Adopt Targeted, Culturally Appropriate Measures that Respect These Peoples’ Land’], May 6, 2020.

¹⁸⁰IACHR, Press Release No. 257/19, [CIDH presenta caso sobre Honduras a la Corte IDH](#). [‘IACHR brings Honduras Case before IA Court’], October 11, 2019.

¹⁸¹ State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 17.

¹⁸² State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 2.

report, the State indicated that during the national emergency due to COVID-19, weekly technical working meetings had been held virtually between the Global Infancia team, the United Nations Children's Fund (UNICEF) and DINAF, which made it possible to conclude the development process and begin the approval stage.¹⁸³

125. The Commission is pleased that the adoption of the National Policy is a priority to the State of Honduras and has been closely following the progress of this initiative in the ambit of the MESAT. On the working visit it conducted to the country from November 25 to 28, 2019, the IACHR met with the DINAF in the framework of the activities of the MESAT to learn in detail about the National Policy proposal. The text of the proposal was sent to the IACHR for comment, and the latest information received is that the proposal has still not received final approval, as was mentioned by the State.

126. In its report "Fulfillment of Children's Rights," the IACHR wrote that States have the obligation to guarantee and respect the right of children and adolescents and, to that end, should adopt a national public policy that is built¹⁸⁴ on the foundation of an assessment of the context of the population of children and adolescents and the enjoyment of human rights. The National Policy should be a framework for strategic, multisectoral, medium and long term planning that enables the State to ensure the rights of children and adolescents.¹⁸⁵ The design of the National Policy should include concrete objectives, indicators to enable monitoring and evaluation of compliance, as well as the division of responsibilities to achieve them.¹⁸⁶

127. Even though its final version has not yet been approved, the proposed National Policy introduced by the State is valid for the ten-year period of 2020 to 2030 and provides for the adoption of plans of action every three years.¹⁸⁷ The diagnostic assessment conducted to support the process of building the proposal considered the principal sociodemographic data available and its crosscutting nature is apparent. The Commission also notes that the situational diagnosis must identify phenomena and issues, in addition to the context to which groups of children and adolescents living in extreme vulnerability are subjected. The IACHR appreciates the State's efforts to identify the crosscutting issues affecting children and adolescents, but stresses that an analysis relating to groups of children and adolescents in a broader context of vulnerability, such as Afro-descendants, LGBTI, children with disability, migrants and indigenous, must be conducted.¹⁸⁸ The assessment should not just note the populational profile, but must also analyze the context of violation of their human rights.

¹⁸³ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 36.

¹⁸⁴ IACHR, Thematic Report "[Hacia la garantía efectiva de los derechos de niñas, niños y adolescentes: Sistemas Nacionales de Protección](#)", [Fulfillment of Children's Rights] OEA/Ser.L/V/II.166 Doc. 206/17, November 30, 2017, par. 60.

¹⁸⁵ IACHR, Thematic Report "[Hacia la garantía efectiva de los derechos de niñas, niños y adolescentes: Sistemas Nacionales de Protección](#)", [Fulfillment of Children's Rights] OEA/Ser.L/V/II.166 Doc. 206/17, November 30, 2017, par. 62.

¹⁸⁶ IACHR, Thematic Report "[Hacia la garantía efectiva de los derechos de niñas, niños y adolescentes: Sistemas Nacionales de Protección](#)", [Fulfillment of Children's Rights] OEA/Ser.L/V/II.166 Doc. 206/17, November 30, 2017, par. 61.

¹⁸⁷ DINAF, Proposed National Policy on the Rights of Childhood and Adolescence of Honduras 2020-2030 and First Plan of Action 2020-2022, November 2019.

¹⁸⁸ IACHR, Thematic Report "[Hacia la garantía efectiva de los derechos de niñas, niños y adolescentes: Sistemas Nacionales de Protección](#)", [Fulfillment of Children's Rights] OEA/Ser.L/V/II.166 Doc. 206/17, November 30, 2017, par. 67.

128. The IACHR notes that the National Policy proposal is designed from a rights perspective and includes strategic multisectoral objectives and targets that take into account different aspects such as the right to health and food security, social protection, education, participation, human mobility. Nonetheless, the IACHR underscores that the proposal does not include a clear perspective to address discrimination against children and adolescents, despite including outcomes aimed at ensuring the right to lead a life free from violence. In its observations on the draft of the present report, the State said that this policy would be the first with national scope that addresses promotion and comprehensive protection of the rights of children and adolescents from a holistic perspective, without making any kind of distinction. The situation analysis by group of rights reexamines the context of migrant children, children of African descent, and children with disabilities.¹⁸⁹

129. As for the objectives and targets, the proposal encompasses 5 strategic objectives, 16 expected outcomes, 57 lines of action and 53 targets to achieve by 2030.¹⁹⁰ The Commission notes that a great number of lines of action and targets are worded in generalities, which can make them difficult to implement over the period the National Policy is in force. For the policy to be effective, the IACHR recommends the objectives and targets to be worded as specifically as possible to enable follow-up and evaluation. Additionally, the Commission notes that there are targets with more than one institution responsible and, therefore, it is recommended to define who will be the principal persons or entities responsible and who will be responsible for coordinating the actions to achieve the objectives and targets. However, the Commission does recognize the State's effort to define clear indicators that can serve as guidelines for follow-up on implementation of the Policy.

130. The Commission has held that national public policies should be adopted as State policies to be less susceptible to political circumstances and shifts and changes in government, in addition to providing for greater continuity and sustainability in their implementation. In this regard, the IACHR recommends that national policies be approved by States at the level of a legal statute, thus providing greater assurance of implementation of strategies.¹⁹¹

131. In this regard, at a meeting held in November 2019, Honduran civil society organizations voiced their concern about the national policy proposal being approved through executive decree. The organizations alleged that executive decrees could be repealed at any time by a new administration, which would place it at risk of ever becoming a State policy. Additionally, the organizations argued that approval by executive decree would weaken the DINAF's position as the oversight and coordinating body of the national policy, whose activities include supervising the activities carried out by other government bodies, including those at a higher level in the hierarchical structure of the government.¹⁹² In its observations on the draft of the present report,

¹⁸⁹ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 37.

¹⁹⁰ DINAF, Proposed National Policy on the Rights of Childhood and Adolescence of Honduras 2020-2030 and First Plan of Action 2020-2022, November 2019, pg. 5.

¹⁹¹ IACHR, Thematic Report "[Hacia la garantía efectiva de los derechos de niñas, niños y adolescentes: Sistemas Nacionales de Protección](#)", [Fulfillment of Children's Rights] OEA/Ser.L/V/II.166 Doc. 206/17, November 30, 2017, par. 66 and 71.

¹⁹² IACHR, Meeting with children's and adolescents' human rights civil society organizations of Honduras, November 28, 2019.

the State indicated that the security of that document derived from international commitments, hence the operationalization of these commitments.¹⁹³

132. Lastly, the Commission notes that National Policy proposal does not include the details of resource allocation for compliance and how it will be funded and implemented by authorities at the different levels of government. On this score, it is recommended that the proposal identify the sources of funding for its implementation, considering in particular that resource allocation and budget planning should prioritize the guarantee of the rights of children and adolescents, through intersectional coordination with the areas of government responsible for public budget management.¹⁹⁴ In its comments on the draft of this report, the State indicated that DINAF has asked the Ministry of Finance for an opinion on the fiscal impact of the implementation of this instrument, as well as the budget allocation.¹⁹⁵

133. Based on the foregoing, the IACHR finds that this recommendation is at a stage of **substantial partial compliance** and urges the Honduran State to take the measures to progress with adoption of the National Policy in accordance with the relevant Inter-American standards. The Commission further reiterates its availability to continue cooperating with the State in the ambit of MESAT for compliance with this recommendation.

134. In relation to the recommendation **review and construct a national strategy for the prevention of violence against children that addresses the structural causes that make this population suffer the effects of criminal groups**, the State indicated that the process of adopting the “National Response Plan for the Prevention of Violence against Children and Adolescents in Honduras” is being completed.¹⁹⁶ According to the State, the Plan is based on the “Inspire” strategy and some of its pillars include: norms and values; security of the environment; fathers, mothers, caregivers receiving support; income and economic strengthening; assistance and support services response.¹⁹⁷

135. In its comments on the draft of the present report, the State reported having established coordination mechanisms with the Ministry of Education, through which it has participated in the process of developing the Guide for Addressing Child Sexual Abuse in Schools (*Guía de Abordaje del Abuso Sexual Infantil desde el Ámbito Escolar*); in addition, virtual training sessions were held to strengthen and broaden the capacities of teachers in the care of child and adolescent who have been victims of sexual abuse.¹⁹⁸

136. Additionally, the State noted that the “National Program of Prevention, Rehabilitation and Social Reintegration” has implemented the National Policy for Prevention of Violence against Children and Youth to build participatory citizenship, strengthen values, respect

¹⁹³ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 38.

¹⁹⁴ IACHR, Thematic Report “[Hacia la garantía efectiva de los derechos de niñas, niños y adolescentes: Sistemas Nacionales de Protección](#)”, [Fulfillment of Children’s Rights] OEA/Ser.L/V/II.166 Doc. 206/17, November 30, 2017, pars. 484 and 492.

¹⁹⁵ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 39.

¹⁹⁶ State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 17.

¹⁹⁷ State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 17.

¹⁹⁸ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 40.

and confidence, ensure the development of activities of positive realization and community activities, through methodological trainings to strengthen the family core; team work; decision-making; entrepreneurship workshops; psychological and/or vocational counseling workshops for socially at-risk young students and young people; as well as a focus on restorative justice among young people deprived of liberty and empowerment for social reintegration.¹⁹⁹

137. It also reported that the Sub-secretariat of Security in Prevention of the Secretariat of Security has a number of programs and projects for the reduction of violence against children and adolescents through the Comprehensive Policy of Coexistence and Citizen Security, Strategic Framework, such as the "Prevention, Peace and Coexistence" Program.²⁰⁰ It highlighted the following programs and projects:

- (i) Currently there are 70 Youth Centers (CDAJ) in 7 department of the country, which have been strengthened with investment and creative use of free time, job training and remedial school instruction. Also, since 2019, the State has opened 4 CDAJ in communities identified as having high rates of violence, and has served 35,000 children and adolescents with the support of local partners, community leaders and 1,300 volunteers;
- (ii) Support for the Policy of Coexistence and Citizen Security, which provides for violence prevention actions using the education center platform, and includes children, adolescents, fathers, mothers and educators;
- (iii) Prevention, Peace and Coexistence, which promotes physical activity, culture and sports for children and adolescents, as a form of using free time in safe public spaces and violence prevention;
- (iv) The joint project between the Sub-secretariat of Security in Prevention and the United Nations Fund for Children (UNICEF) includes direct actions of prevention of violence against children and adolescents, changing social norms, equality campaigns and positive realization for children and adolescents, as well as strengthening institutions of the Cabinet of Prevention, Security and Defense and training of National Police;
- (v) The Activate ['Become Active'] Program, which promotes physical activity, mental health and wholesome diet as part of fostering the prevention of chronic non-communicable diseases from using harmful substances;
- (vi) The National Plan of Response to the Prevention of Violence against Children and Adolescents, based on evidence and multisectoral in nature, aimed at reinforcing and complying with the different policies in place in the country that cover prevention of violence against children and adolescents.²⁰¹

138. Regarding the measures to eradicate sexual violence, the State reported that from 2016 to October 2020, 392 cases of human trafficking were reported, and 65 complaints for

¹⁹⁹ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 17.

²⁰⁰ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 17.

²⁰¹ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pgs. 17-18.

the crime of commercial sexual exploitation.²⁰² Additionally, according to the State, the Modules of Specialized Comprehensive Assistance (MAIE) have a complaint mechanism for cases of sexual abuse and exploitation, provide assistance with an interdisciplinary team and conduct the investigation and arrest (preventively or in *flagrante delicto*) in coordination with the Special Prosecutor's Office for the Protection of Children and the Prosecutor's Office on Duty.²⁰³ Moreover, this Prosecutor's Office has the power to go to Health and Education Facilities when signs of sexual or other types of violence against children and adolescents are detected.²⁰⁴ The State noted that as of 2020, the Special Prosecutor's Office for Children recorded 6,951 cases for the crime of sexual abuse against children and adolescents in 29 cities, with Tegucigalpa being the city with the highest number, with 25.78% of the cases, followed by San Pedro Sula with 18.96%, and Comayagua with 10.79%.²⁰⁵

139. The Commission also received troubling information about the rates of violence suffered by children and adolescents in Honduras. At working meetings with UNICEF, Honduras and civil society organizations, that were held in November 2019, the Commission was informed of the high rate of labor exploitation in the countryside, as well as sexual violence. According to the information received, in Honduras around 25,000 adolescents become pregnant each year, as a consequence of sexual violence.²⁰⁶ The Commission received with concern information about the militarization of the "security" strategy relating to children, such as the program known as "Guardianes de la Patria."²⁰⁷ The IACHR was further informed about the high rates of crimes against children in particular a "wave of disappearances" of minors, which was reported at the end of 2020.²⁰⁸ In that regard, the Commission has received information that 43% of children and adolescents in Honduras do not live with their mother or their father, and that this could have a bearing on the rate of violence they suffer.²⁰⁹ The Commission urges the State to take the necessary measures to prevent, investigate and get to the bottom of these disappearances and, if applicable, punish the persons responsible with a view toward keeping them from happening again.

140. In its observations on the draft of this report, the State said that with a view to eradicating child labor it had carried out actions such as inspections of several coffee farms in the departments of Paraíso, Santa Bárbara and Comayagua, where the presence was verified of children accompanied by their parents; through the Special Prosecutor's Office for the Protection of Children, operations were carried out to address the issue of street children in the Central

²⁰² State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 18. Combined sixth and seventh periodic report of the State of Honduras before the Committee on the Rights of the Child, 2020, par. 106.

²⁰³ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 18.

²⁰⁴ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 18.

²⁰⁵ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 18.

²⁰⁶ IACHR, Meeting with children's and adolescents' human rights civil society organizations of Honduras, November 28, 2019.

²⁰⁷ IACHR, [Situación de derechos humanos en Honduras](#), [Situation of Human Rights in Honduras], OEA/Ser.L/V/II. Doc. 146, August 27, 2019, par. 230.

²⁰⁸ Government of the Republic of Honduras. Directorate of Children, Adolescents and Family, "[DINAF lanza advertencia ante la ola de desapariciones de menores de edad](#)", [DINAF issues warning in response to disappearances of minors'], October 26, 2020.

²⁰⁹ IACHR, Meeting with UNICEF Honduras, November 28, 2019.

District, San Pedro Sula, and La Ceiba, since the number of street children had increased due to the COVID-19 pandemic; seven virtual talks were held for parents, adolescents and teachers on the subject of child and adolescent labor; an agreement was signed with World Vision on child and adolescent labor; and coordination was strengthened with INTERPOL, specifically with the section on missing persons, by establishing a mechanism for action.²¹⁰

141. Furthermore, the IACHR received information about the situation of children and adolescents in migration. In particular, reports were received that from January to September 2020, the DINAf has provided assistance to more than 3,520 children and adolescents, including 1,497 in a situation of irregular migration, which places them at high risk vis-à-vis organized crime groups.²¹¹ The Commission was also informed about the dangers to which children and adolescents in a situation of migration are exposed, in particular, unaccompanied minors, 2,190 of whom were returning to the country from March to November 2020.²¹² Out of this total number of children, 853 of the were accompanied and 1,137 were unaccompanied; 362 were zero to 5 years old; 389 from 6 to 11 years old; and 1,439 from 12 to 17 years old.²¹³ As was noted earlier, the Commission reiterates the special protection that States are required to provide to groups in particularly vulnerable situations, including children and adolescents in a situation of mobility as well as the obligations of the State to guarantee respect for the integrity and dignity of all persons under their jurisdiction.²¹⁴

142. Based on all the foregoing, the IACHR finds this recommendation to be at a stage of **substantial partial compliance**.

9. Recommendations with Respect to Women

- Investigate, judge and punish, with a gender perspective and as a matter of priority, violations against women's human rights, especially femicides against trans women. Also, to diligently investigate acts of violence against human rights defenders and other groups at particular risk identified in this report.
- Adopt plans, policies and legislation aimed at guaranteeing and overcoming all the obstacles for the full exercise of the sexual and reproductive rights of girls, adolescents and women.

²¹⁰ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 41.

²¹¹ Government of the Republic of Honduras. Directorate of Children, Adolescents and Family, "[DINAf asiste a más de 3 mil 500 menores de edad en situación de migración irregular](#)", [DINAf assists more than 2,500 minors with irregular migration status], September 1, 2020.

²¹² Government of the Republic of Honduras. Directorate of Children, Adolescents and Family, "[Más de 2 mil menores de edad han retornado al país producto de la migración irregular durante la pandemia de la COVID-19](#)", [More than 2 thousand minors have returned to the country as a result of irregular migration during the COVID-19 pandemic], October 26, 2020.

²¹³ Government of the Republic of Honduras. Directorate of Children, Adolescents and Family, "[Más de 2 mil menores de edad han retornado al país producto de la migración irregular durante la pandemia de la COVID-19](#)", [More than 2 thousand juveniles have returned as a result of irregular migration during the COVID-19 pandemic], October 26, 2020.

²¹⁴ IACHR, Press Release No. 027/20, "[CIDH insta a El Salvador, Guatemala, Honduras y México a garantizar los derechos de las personas migrantes y refugiadas que se desplazan por la región](#)", [IACHR Urges El Salvador, Guatemala, Honduras and Mexico to Guarantee the Rights of Migrants and Refugees Traveling Through the Region], February 7, 2020.

143. As concerns the recommendation **investigate, judge and punish, with a gender perspective and as a matter of priority, violations against women’s human rights, especially femicides against trans women**, the Honduran State cited several strategies implemented over 2020.

144. With relation to measures aimed at reducing violence against women, in 2020, the State reported it had implemented measures to raise awareness about violence against women in the time of emergency, including actions to disseminate information on mechanisms of assistance for women and the National 911 System, as well as protection services for women survivors of violence.²¹⁵

145. Likewise, in the area of prevention, the State noted it had created and distributed among agents of the State responsible for offering a comprehensive response to gender-based violence the “Procedural Guide for Survivors of Domestic Violence during the national COVID-19 pandemic emergency.”

146. In this regard, the State underscored the role played by the National Women’s Institute in both producing suitable communication targeting the wide range of women, and coordinating assistance services for women survivors, including offering psychological and social care and legal advice. According to the State, from April to August alone, specialized care was offered 4,615 times, which coincided with the most severe lock down period in the country as a consequence of the COVID-19 pandemic.²¹⁶

147. The IACHR welcomes the State’s initiatives, which have helped to strengthen the mechanisms aimed at preventing, investigating and punishing violence against women and girls. Nonetheless, over 2020 the IACHR continued to receive reports that gender-based violence persists throughout the country. On this score, it highlights the information gathered by the Women’s Human Rights Observatory of the Center for Women’s Rights of Honduras, covering March 15 to November 13, 2020, citing 171 femicides in the country over that period.²¹⁷

148. Furthermore, the Commission expresses its concern over the rise in assaults on women social leaders and human rights defenders. The community of Río Blanco, a member of the Civic Council of Peoples and Indigenous Organizations of Honduras (COPINH), reported that in September 2020 in the morning hours, a group of at least 11 people entered La Vega del Culatón and El Achotal, the territory of the department of Intibucá that the Río Blanco community farms, with the aim of destroying lands cultivated by the community. This assault occurred on top of other acts of intimidation and threats against the community of Río Blanco, which took place in 2019.²¹⁸

²¹⁵ State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 22.

²¹⁶ State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 22.

²¹⁷ Center for Women’s Rights (Centro de Derechos de la Mujer), [Observatorio de Violencias Contra las Mujeres 2020: Datos Recolectados a Través de Monitoreo de Prensa y Electrónica a Nivel Nacional](#), [Observatory on Violence against Women 2020: Data Collected through Monitoring of Press and Electronic Media nationwide], November 13, 2020.

²¹⁸ Amnesty International, Input for the Annual Report of the Inter-American Commission, received on October 15, 2020.

149. The IACHR recalls that, on the topic of due diligence, investigations in such cases must be conducted with alacrity. The context and the circumstance in which these cases take place, the specific risks faced by women working in the defense of human rights must be taken into account and a differential approach must be adopted in the investigation, prosecution, punishment and reparation of these crimes, including a gender and ethno-racial perspective.

150. In addition, the Commission takes a positive view of the efforts the State has reported to incorporate a gender perspective in court proceedings relating to violence against women through direct coordination with the Office of the Public Prosecutor on duty and the Domestic Violence Court.²¹⁹ The IACHR also recognizes the advancements made relating to access to justice for women survivors of domestic violence. The Commission cites the statistics submitted by the State indicating that from March to August 2020, during the COVID-19 quarantine period, 97 alleged assailants were arrested in the act, 96 complaints were filed by individuals, and 564 complaints were brought by the Office of the Public Prosecutor and the Police Investigation Directorate in Tegucigalpa.²²⁰ Additionally, 99 men were arrested in the act and 35 criminal complaints were brought by individuals in the Domestic Violence Court of San Pedro Sula.

151. In its observations on the draft of this report, the State highlighted that between March 16 and December 31, 2020, the Special Prosecutor's Office for the Protection of Women directly handled 19,569 complaints and made 2,921 arrests with subsequent referral to the courts; 4,001 households were provided with protection measures, 1,313 convictions were issued for various crimes against women, and there were 2,643 indictments filed nationwide for crimes against women.²²¹

152. The Commission recognizes these forward steps, but emphasizes that, in keeping with the State's duty of due diligence, a holistic, multisectoral and comprehensive approach must be adopted to address the structural and endemic causes of violence against women and girls. In this regard, the Commission recalls that reliable statistics and indicators are required design and effectively implement these public policies aimed at eradicating the problem. When such elements are absent, scarce or incomplete, it renders different challenges invisible. In view of the foregoing, the Commission finds **partial compliance** with this recommendation.

153. In relation to the recommendation **adopt plans, policies and legislation aimed at guaranteeing and overcoming all the obstacles for the full exercise of the sexual and reproductive rights of girls, adolescents and women**, the Commission recognizes the Honduran State's adoption of Legislative Decree No. 99-2020, regarding Special Measures of Dissemination, Prevention and Attention to Violence against Women and actions to ensure gender equality while the national COVID-19 emergency remains in effect. The Commission notes that, in addition to establishing the duty to adopt a gender approach to preferential treatment for women working in the area of health, pursuant to law, the Secretariat of State in the Office of Health (SESAL) must guarantee at all health facilities and hospitals access to sexual and reproductive health services, giving priority to care services for psychiatric patients.

²¹⁹ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 13.

²²⁰ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 14.

²²¹ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 43, anexo 7.

154. In this regard, the Commission welcomes the adoption of this legal framework establishing this obligation, but notes that the State must adopt measures aimed at eliminating all de jure and de facto obstacles standing way of access for women to the maternal health, sexual health and reproductive health services they require, including information and education in the area of sexual and reproductive health. These measures must take into account the particular situation of exclusion and conform to Inter-American standards on the subject matter. Accordingly, the IACHR finds **partial compliance** with the recommendation.

10. Recommendations with Respect to the Rights of LGBTI Persons

- Refrain from approving regulations that discriminate or have discriminatory effects against LGBTI persons. In addition, it is recommended that all necessary measures be taken to implement the due diligence standard in the prevention, investigation, punishment and redress of violence against LGBTI persons.

155. As for the recommendation **refrain from approving regulations that discriminate or have discriminatory effects against LGBTI persons**, the State reported to the Commission that it issued an expert opinion recommending an amendment to the technical rule for management of Blood Donation, which currently prevents LGBTI persons from participating in the blood and hemoderivatives donation program. In the opinion, issued through the Directorate of Legal Compatibility with Conventions of the Secretariat for Human Rights, the State wrote that the rule “can be considered (discriminatory) toward LGTBI Persons, because it does not contain objective grounds to justify the exclusion.”²²²

156. The IACHR has emphasized on prior occasions that enactment of rules to allow LGBTI persons to donate blood on an equal basis aids in combatting discrimination based on sexual orientation or gender identity and has a positive impact on the health system in general, particularly, in the context of the COVID-19 pandemic.²²³ Therefore, it welcomes the issuance of the related opinion, which recognizes the existence of a discriminatory regulation, but at the same time urges the State to continue to proceed as necessary to guarantee access of LGBTI persons to this and all public services in the health sector, on an equal and non-discriminatory basis.

157. For its part, CONADEH stated that greater efforts were needed in order to achieve a national body of law, that is free of discriminatory aspects towards LGBTI persons.²²⁴ In this vein, the IACHR notes that, over the period under consideration, a legislative bill to ensure the right to gender identity and for equal opportunities, as well as constitutional amendment relating to right to marriage equality, have still not been debated or settled.²²⁵

²²² State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 15.

²²³ IACHR, [Avances y Desafíos hacia el Reconocimiento de las Personas LGBTI](#), [Advances and Challenges towards the Recognition of the Rights of LGBTI Persons in the Americas] OAS/Ser.L/V/II.170 Doc. 184, December 7, 2018, par. 84; IACHR, Press Release No. 81/20, [La CIDH llama a los Estados a garantizar los derechos de las personas LGBTI en la respuesta a la pandemia del COVID-19](#), [The IACHR calls on States to guarantee the rights of LGBTI people in the response to the COVID-19 pandemic], April 20, 2020.

²²⁴ CONADEH, Follow-up Report on the Recommendations of the Report on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights (IACHR), October 23, 2020, pg. 20.

²²⁵ CONADEH, Follow-up Report on the Recommendations of the Report on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights (IACHR), October 23, 2020, pg. 20; Tiempo Digital, [Lo de Costa Rica debe darle impulso a la Sala Constitucional de Honduras](#), [‘The Costa Rica matter should give the Constitutional Chamber of Honduras a push’], May 27, 2020.

158. In relation to due diligence in the prevention, investigation, punishment and redress of violence against LGBTI persons, the State reported to the Commission on reactivating the LGBTI Access to Justice Table, for the purpose of resuming investigations into violent acts nationwide, in addition to facilitating communication between the security and investigation bodies and civil society organizations.²²⁶

159. According to public information, this mechanism was reportedly restarted at an event on August 6, 2020, with the participation of civil society organizations, State agencies and members of the international community, emphasizing the role the table will play in guaranteeing the rights of LGBTI persons²²⁷ and recognizing the determining factors of vulnerability that LGBTI persons still face in the country. The IACHR welcomes the reactivation of this Table as a measure aimed at guaranteeing access to justice for LGBTI persons, who have been victims of crimes and, thus, work towards fulfillment of the international obligation to respond with due diligence to human rights violations.

160. Additionally, the State reported on implementation of programs to strengthen the capacity of justice operators for the investigation of gender-based violence taking into account LGBTI persons, as a priority group, as well as training aimed at personnel of different public institutions on the subject of prevention of discrimination.²²⁸

161. The Commission notes that CONADEH has undertaken similar efforts within the scope of its competence; in this regard, in addition to trainings, that institution has issued communiqués in favor of the respect for the human rights of LGBTI persons, issuing a call to legislators to promptly approve the bill on gender identity and the law to guarantee equality and equity, as well as urging due diligence in investigations into crimes committed against LGBTI persons.²²⁹

162. The Commission reiterates that this type of training and statement helps to bring about greater understanding and respect toward diverse sexual orientations, gender identities and sexual characteristics, which, in turn, helps to lessen and eventually eliminate stigma and negative stereotypes against LGBTI persons.²³⁰

163. This is particularly important for the prevention of violence and discrimination -including institutional violence- against LGBTI persons, since these acts come about as a consequence of social contexts, societies and States that do not accept, and actually punish, non-

²²⁶ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 15.

²²⁷ State of Honduras, [La SEDH acompaña la reactivación de la Mesa de Acceso a la Justicia LGBTI](#), [The SEDH monitors reactivation of the Table for Access to Justice of LGBTI persons'] August 6, 2020.

²²⁸ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pgs. 18 and 19.

²²⁹ CONADEH, Follow-up Report on the Recommendations of the Report on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights (IACHR), October 23, 2020; Honduras, [Derechos Aquí y Ahora, Pronunciamiento de Francia Maradiaga](#), [Statement of Francia Maradiaga], Ombudsperson for Sexual Diversity of CONADEH, June 28, 2020.

²³⁰ IACHR, [Violencia contra las Personas LGBTI](#), ['Violence against LGBTI Persons'] OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, par. 42.

normative sexualities and identities and human bodies that do not conform to binary standards of the feminine and masculine archetypes.²³¹

164. As for investigation, punishment and reparation for violence against LGBTI persons, the State reported that since 2009, there have been 19 convictions of persons for crimes against LGBTI persons.²³² In its observations on the draft of the present report, the State said that during 2020, three convictions were obtained and six indictments were presented for three different incidents in which members of the LGBTI community lost their lives.²³³ However, on its own initiative, the Commission became aware of the judgment of conviction issued in October 2020 against six persons responsible for the murder of Gabriel Alberto Mejía Cruz²³⁴ and the ruling issued in November of the same year against the person responsible for the murder of José Luis Mendoza Rodríguez.²³⁵

165. The IACHR welcomes these efforts of the State to investigate and punish those responsible for cases of violence perpetrated against individuals who self-identify as LGBTI or who are perceived as such, while at the same time, reminds the State of the due diligence required in an investigation into the underlying motives for violence and that lines of investigation should be opened to make it possible to determine whether the crime was based on the sexual orientation or gender identity -whether real or perceived- of the victims,²³⁶ and provide for full reparation to the victims or their family members, as warranted in each particular case. In its observations on the draft of the present report, the State emphasized that the FEDH seeks to carry out an investigation, establish a contextual analysis in order to determine whether this case is part of a systematic assault on the human rights of the LGBTI community or if the acts were committed by reason of the victim's sexual orientation or gender identity.²³⁷

166. Furthermore, the IACHR recalls that the State is obligated to adopt measures to ensure the lives, safety and physical integrity of people who report murders or other cases of violence based on prejudice, particularly when the identified perpetrators can be agents of the State or members of illegal armed groups or gangs.²³⁸

167. In this regard, the Commission has become aware of widespread acts of violence against LGBTI persons in Honduras which, as was noted in the country report, present a high level

²³¹ ICHR, [Violencia contra las Personas LGBTI](#), ['Violence against LGBTI Persons'] OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, par. 48.

²³² State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 15.

²³³ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras", February 2, 2020, parr:44.

²³⁴ El Informativo, [Seis jóvenes condenados por muerte de un miembro de la Comunidad LGTBI en SPS](#), ['Six young people convicted for the death of a member of the LGBTI community in SPS'], October 5, 2020.

²³⁵ Radio HRN, [Más de 13 años de prisión contra asesino de miembro de la comunidad LGBTI de Honduras](#), ['More than 13 years of prison for murder of member of LGBTI community in Honduras'], November 26, 2020.

²³⁶ IACHR, [Violencia contra las Personas LGBTI](#), ['Violence against LGBTI Persons'] OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, recommendation 33.

²³⁷ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras", February 2, 2020, parr:45.

²³⁸ ICHR, [Violencia contra las Personas LGBTI](#), ['Violence against LGBTI Persons'] OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, Recommendation 33. Recommendation 40.

of viciousness and cruelty.²³⁹ On this score, according to the information provided by civil society, over the course of 2020, at least 20 violent deaths of LGBTI persons were reported in Honduras, including 9 gay men, 3 lesbian women and 8 trans persons,²⁴⁰ including human rights defenders, such as Scarlett Cáceres, trans activist and member of the LGBT Arcoiris Association of Honduras, murdered on July 10, 2020, in Tegucigalpa.²⁴¹ Moreover, the Commission takes note of the concern expressed by civil society about the high levels of lethal violence against lesbians in Honduras, particularly, as compared to other States of the region.²⁴² In its observations on the draft of this report, the State noted that the FEDCV had recorded five violent killings and two attempted murders, of which two cases of violent killing had been prosecuted.²⁴³

168. Additionally, the Commission has become aware of other acts of violence that, though they did not result in the death of the victims, reflect particular cruelty and viciousness against LGBTI persons based on their diverse gender identities, gender expressions and sexual orientations. In this regard, the IACHR underscores the assault endured by Grey Anahí Ríos, a 34-year old trans woman, who was attacked with a machete on September 6 in San José de Comayagua and who, according to her own testimony, was denied assistance at the institutions of the justice sector.²⁴⁴ The Commission notes, with particular concern, that Grey Anahí Ríos was forced to travel to her city of birth to preserve her life and physical integrity, after feeling threatened and after the murder of journalist Luis Alonzo Almendares, who covered the act of violence perpetrated against the woman.²⁴⁵

169. In its observations on the draft of this report, the State reported that the Public Prosecutor's Office had presented indictments for the crimes corresponding to each specific act. In the case of the assault on Grey Anahí Ríos, it reported that an indictment was filed against a male person and that an initial hearing had been scheduled for January 25, 2021.²⁴⁶

170. The IACHR notes that the information provided by the State does not include any information about the cases of violence against LGBTI persons occurring over 2020 and, therefore, reiterates that the State must continue to move forward in creating a system of information and reporting that expressly incorporates variables on sexual orientation and gender identity. The Commission underscores that access to information and disaggregated statistics is an essential tool to assess the effectiveness of measures to prevent, punish and eradicate violence against LGBTI persons, as well as formulating any change to State policies that may be necessary.

²³⁹ IACHR, [Situación de derechos humanos en Honduras](#). [IACHR, Situation of Human Rights in Honduras] OEA/Ser.L/V/II. Doc. 146, August 27, 2019, par. 278.

²⁴⁰ Red Lésbica Cattrachas, Observatory on Violent Deaths of LGBTTI for Sexual Orientation or Gender Identity, updated as of December 7, 2020, submitted by the organization to the Rapporteurship on the Rights of LGBTI Persons of the IACHR.

²⁴¹ Agencia Presentes, [Asesinaron a la Activista Trans Scarlett Cáceres](#), [‘Trans Activist Scarlett Cáceres Murdered’] July 14, 2020.

²⁴² Red Lésbica Cattrachas, [Informe sobre Muertes Violentas de la comunidad LGBTTI Cattrachas 2009 - marzo 2020](#), [‘Report on violent deaths of the LGBTTI Community Cattrachas 2009 – March 2020’], March 2020.

²⁴³ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras”, February 2, 2020, parr.46.

²⁴⁴ Agencia presentes, [A Grey, trans hondureña, la atacaron con un machete](#), [‘Grey, trans Honduran woman, was attacked with a machete’], September 18, 2020.

²⁴⁵ CNN, [Asesinan al Periodista Luis Alonzo Almendares](#), [‘Journalist Luis Alonzo Almendares murdered’], September 28, 2020.

²⁴⁶ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras”, February 2, 2020, parr.47.

In its observations on the draft of this report, the State mentioned that the FEDCV was working to consolidate a national database, disaggregated by sex, gender identity and other data, that would enable the correct identification of each case. It also said that the Public Prosecutor's Office had the Prosecutorial Management System, the Strategic Criminal Prosecution Module, and the Strategic Planning and Quality Management Division, all of which reportedly also receive data at the national level and generate statistics related to the subject.²⁴⁷

171. Based on the foregoing, taking into the consideration the progress attained in incorporating mechanisms of personnel training at public institutions for prevention and efforts to eliminate some of the discriminatory regulations still in force in the State, the IACHR finds **partial compliance** with the recommendation. Nonetheless, in view of persistent challenges as to prevention, investigation, punishment and reparation for violence against LGBTI persons, the Commission calls on the State of Honduras to continue its efforts in light of the recommendations issued and expresses its willingness to provide technical cooperation in this regard.

11. Recommendations regarding the Rights of Internally Displaced Persons

- Develop and implement public policies and a specific law aimed at preventing internal displacement, as well as guaranteeing protection, humanitarian assistance and durable solutions for internally displaced persons, in accordance with the international human rights obligations of the Honduran State and the Guiding Principles on Internal Displacement. Such measures should guarantee the participation of displaced persons and civil society organizations, as well as adequate budgetary resources for their functioning. In addition, ensure that evictions of indigenous communities, peasants and other vulnerable groups are carried out only in accordance with human rights norms and standards and the principles of exceptionality, legality, proportionality and suitability.

172. In its report, the IACHR recommended the State of Honduras to **develop and implement public policies and a specific law aimed at preventing internal displacement**, as well as guarantee protection, humanitarian assistance and durable solutions for internally displaced persons and ensure that evictions of indigenous communities, peasants and other vulnerable groups are carried out in accordance with human rights norms and standards and with the principles of exceptionality, legality, proportionality and suitability.

173. On this topic, the State reported on preparation of: i) a manual on humanitarian assistance in emergencies, ii) a practical guide of criteria for differentiated care with a psychosocial approach to displaced persons, and iii) a guide to the implementation of the criteria for differentiated care with a psychosocial approach. It also noted that a survey had been conducted to profile internal displacement by violence in Honduras 2004-2018 (2020 Bilateral Honduras-United State Report) and implementation was coordinated for three plans to respond to the phenomenon of displacement in three priority municipalities, with a lasting solution-based strategy.²⁴⁸

²⁴⁷ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras", February 2, 2020, parr.48.

²⁴⁸ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pgs. 28 and 29.

174. In its observations on the draft of the present report, the State indicated that the proposed Law for the Prevention, Assistance and Protection of Internally Displaced Persons was presented to the plenary of the National Congress in March 2019, and was elevated to the status of legislative initiative (*iniciativa de ley*) on October 14, 2020.²⁴⁹

175. In addition, it indicated that the SEDH provides care to the victims of the phenomenon of internal displacement, in coordination with the institutions making up the Interinstitutional Commission for the Protection of Persons Displaced by Violence (CIPPDV). It further noted that there was progress in setting up the Mechanism for Humanitarian Assistance in Emergencies (MAHE) and implementing it, although it provided no details of what this progress entailed²⁵⁰. Additionally, 73 people are said to have received humanitarian assistance between 2019 and 2020 (22 men, 19 women, 29 children and 3 LGBTI people) through the CONEXAHMIF Pilot Project. In its comments on the draft of this report, the State indicated that the progress made by the MAHE include its practical implementation through the CONEXAHMIF pilot project, which has allowed it to be constantly updated and modified in line with the experience acquired.²⁵¹

176. In addition, it noted that the mayor's offices of San Pedro Sula, El Progreso and the Central District have municipal plans in place to provide a response to internal displacement. This made it possible to set up local coordination and response mechanisms.²⁵²

177. For its part, CONADEH said that Honduras still does not have protection policy for persons displaced by violence. Nonetheless, it noted that progress was being made in preparations for establishing a single information system about internally displaced persons to facilitate identification, assistance and follow up of individual and collective displacement cases nationwide, for the purpose of improving interinstitutional coordination and response to the assistance and protection needs of vulnerable persons, as a consequence of forced displacement.²⁵³

178. On this score, in the framework of the Universal Periodic Review (UPR), civil society organizations noted that threats, killings, extortion, forced recruitment into criminal organizations, sexual and domestic violence, and unlawful dispossession of land for the development of mining, energy, tourism and agro-industrial projects, are some of the main causes of forced displacement. They further noted that the population groups most likely to be victims of displacement include indigenous peoples, women, LGBTI population and children and adolescents.²⁵⁴

²⁴⁹ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras", February 2, 2020, parr.49.

²⁵⁰ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 29.

²⁵¹ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par. 51.

²⁵² State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 29.

²⁵³ CONADEH, Follow-up Report on the Recommendations of the Report on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights (IACHR), October 23, 2020, pg. 27.

²⁵⁴ Human Rights Council, [Resumen de las comunicaciones de las partes interesadas sobre Honduras](#), [Summary of Stakeholders' submissions on Honduras] A/HRC/WG.6/36/HND/3, February 25, 2020, par. 81.

179. In this same vein, REDLAC indicated that in Honduras development and infrastructure projects, large scale farming and monoculture (cattle ranching, sugar cane, African palm cultivation), conservation and mining are some of the factors causing conflicts and displacement.²⁵⁵ Additionally, it noted that the lack of recognition and of public policies to deal with displacement in northern Central America repeatedly violate the rights of individuals. Furthermore, it stated that in Honduras some displaced persons are forced to continue paying taxes on their home and property even though they have been forced to abandon it. This means that even if the people have the opportunity to return to their home once the security situation improves, they could be saddled with debt from unpaid taxes.²⁵⁶ In its observations on the draft of the present report, the State indicated that if the proposed Law for the Prevention, Assistance and Protection of Internally Displaced Persons was passed, the public policy gap with regard to displacement in northern Central America would be filled.²⁵⁷

180. For his part, the United Nations High Commissioner for Refugees (UNHCR) stated that displaced persons and community leaders in Honduras, El Salvador and Guatemala had reported that criminal groups were using the lock-down to strengthen their control over the communities. In addition, restrictions on movement hamper attempts to seek protection and assistance, and people who need to flee for their lives face greater obstacles to find safety.²⁵⁸

181. In relation to internal displacement, the Characterization study on internal displacement related to violence in Honduras, 2004-2018 indicated that a total of 247,090 people were displaced between 2014 and 2018. The study also estimated that there were approximately 58,550 households with at least one member displaced due to violence. It also noted that 2.7% of the Honduran population suffered from the effects of internal displacement. It also indicated that at least 8% of the total number of homes identified were displaced more than once, which would show that the search for a safe space can be difficult for some people. To that base it would be necessary to add people, who in response to a new threat to their lives or safety, opted to seek international protection outside of Honduras. The report also emphasized that it is not known how many homes were successful at resolving their situation of internal displacement, and therefore, do not need assistance or specific protection and freely enjoy their human rights as the rest of the population does.²⁵⁹

182. The most recent figures published by the Internal Displacement Monitoring Center (IDMC) show that by late 2019, there was a total of 390 new displacements relating to natural disasters and 247,090 displacements (stock figures) relating to conflicts and violence.²⁶⁰ Furthermore, a recent report of the IDMC suggests that even though the characterization exercise

²⁵⁵ REDLAC, [Boletín N5 El Impacto de la Violencia sobre el Derecho a la Vivienda Adecuada en el Norte de Centroamérica](#), Bulletin N5 Impact of violence on the right to adequate housing in northern Central America', July 2019, pg. 6.

²⁵⁶ REDLAC, [Boletín N5 El Impacto de la Violencia sobre el Derecho a la Vivienda Adecuada en el Norte de Centroamérica](#), Bulletin N5 Impact of violence on the right to adequate housing in northern Central America', July 2019, pg. 9.

²⁵⁷ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe "Situación De Derechos Humanos en Honduras," February 2, 2020, par.52.

²⁵⁸ UNHCR, [La crisis de desplazamiento interno en Centroamérica se ve agravada por el COVID-19](#), [Central America's displacement crisis aggravated by COVID-19], May 15, 2020.

²⁵⁹ CIPPDV, [Estudio de caracterización del desplazamiento interno por violencia en Honduras 2004-2018](#) (Characterization study on internal displacement related to violence in Honduras, 2004–2018), Honduras, December 11, 2019, p. 29

²⁶⁰ IDMC, [Country information Honduras](#), 2019.

conducted by the CIPPDV contains the most complete data to date, the figure of 950 new displacement by violence in 2019 would be conservative.²⁶¹

183. Furthermore, the Internal Forced Displacement Unit (UDFI) of CONADEH noted that in 2019 a total of 1,314 complaints relating to the issue of risk and/or displacement, were handled. This figure would account for 13% of the total number of complaints received nationwide, a 45% increase as compared to cases of risk and/or displacement handled in 2018.²⁶²

184. In turn, the Commission learned of the damages caused by tropical depression Eta, which left a death toll of 64 people, a total of 2,984,611 people affected and another 174,851 people evacuated, as well as 107,792 people rescued and 8 disappearances. On this score, the Commission underscores that the State must adopt measures that guarantee specific aspects during displacement and for subsequent return or resettlement of persons, which include guaranteeing humanitarian assistance by establishing shelters that have water and food, medical, sanitary and education services, as well as mechanisms to facilitate the recovery of the persons' property and possessions or access to compensation for material losses, such as those established in the Guiding Principles on Internal Displacement [Principios Rectores de los Desplazamientos Internos](#).²⁶³

185. In relation to **ensuring that evictions of indigenous communities, peasants and other vulnerable groups are carried out only in accordance with human rights norms and standards and the principles of exceptionality, legality, proportionality and suitability**, the IACHR notes that the State has not submitted any substantive information on the recommendation.

186. In this regard, the IACHR became aware of the execution of at least two evictions subsequent to the publication of the country report: i) the eviction of 17 peasant families of Lepaguare, in the jurisdiction of Tutule, in the department of La Paz, where the security forces had destroyed residences and some of the community's crops;²⁶⁴ and ii) the eviction of at least 200 families in the residential neighborhood of Jericó de Siguatepeque, Comayagua, central zone of Honduras, where the security forces had destroyed homes. According to publicly available information, the persons had been living in the area for 15 years.²⁶⁵

187. For its part, the Working Group on the issue of human rights and transnational corporations and other business enterprises recommended the Honduran State to adopt effective measures against forced evictions, in accordance with international human rights standards, and

²⁶¹ DMC, [Vacíos de datos sobre desplazamiento interno causado por violencia en El Salvador, Guatemala y Honduras](#), 12 de agosto de 2020, p. 14.

²⁶² CONADEH, [Informe Anual sobre el Estado General de los Derechos Humanos y Actuaciones del CONADEH durante el 2019](#), [Annual Report on the General State of Human Rights and Proceedings of CONADEH in 2019], Honduras, pg. 209.

²⁶³ IACHR, Press Release No. 276/20 - [La CIDH y su REDESCA expresan solidaridad con las personas afectadas por la depresión tropical Eta en países de la región, y llaman a los Estados y a la comunidad internacional a atender la situación de las personas afectadas](#), [IACHR and REDESCA Express Solidarity with people Affected by Hurricane Eta in the Americas and Call on States and the International Community to Address their Predicament.], November 17, 2020.

²⁶⁴ Land Portal, [Estado de Honduras violó tratados internacionales al desalojar violentamente de sus tierras a campesinos](#), [State of Honduras violated international treaties when it violently evicted peasants from their lands'], February 6, 2019. C-Libre, [Tras desalojo violento, Policía reprime protesta en La Paz](#), [After violent eviction, Police put down protest in La Paz], February 5, 2019.

²⁶⁵ Proceso Digital, [Desalojan a 200 familias de predio en Siguatepeque](#), [200 families evicted from a property in Siguatepeque'], November 4, 2019.

to make sure victims have access to an effective recourse to enable restitution of property, return to their homes or lands and granting of adequate compensation.²⁶⁶ It further expressed its concern over the inclusion of the crime of usurpation of real property in the new Criminal Code, since it could give rise to the criminalization of anyone who exercises his or her right to peacefully demonstrate in the context, for example, of the evictions, even though those persons have no intention of taking possession of the property in question.²⁶⁷

188. On this issue, the Commission has said that under the criteria established in the guiding principles on internal displacement, States have four major obligations with respect to internally displaced persons: i) prevent displacement; ii) provide protection and assistance to displaced persons during displacement; iii) provide and facilitate humanitarian assistance; and iv) facilitate the return, resettlement and reintegration of the internally displaced persons in safety.²⁶⁸

189. Based on this information, the Commission concludes that this recommendation is **pending compliance**. Furthermore, the Commission urges the State to continue with the efforts to develop and implement public policies and a specific law aimed at preventing internal displacement, ensuring that evictions of indigenous communities, peasants and other vulnerable groups are carried out only in accordance with human rights norms and standards and the principles of exceptionality, legality, proportionality and suitability.

12. Recommendations with Respect to Migrants, Persons with International Protection Needs and Returning Migrants

- Adopt a public policy aimed at ensuring an effective and human rights-focused reintegration of returning migrants, especially migrants in vulnerable situations and/or with particular protection needs, such as children, victims of trafficking, persons with disabilities, LGBT persons, older persons and persons with medical needs. In addition, the State should implement measures for the search for and identification of missing migrants.

190. In relation to the recommendation **adopt a public policy aimed at ensuring an effective and human rights-focused reintegration of returning migrants**, as well as implement measures for the search for and identification of missing migrants, the State noted that the Public Migration Policy is in a diagnostic stage, in order for it to identify areas of intervention, prevention of irregular migration, and safe return.²⁶⁹ Additionally, it reported on the creation of a strategy of a comprehensive policy aimed at reducing irregular migration in the

²⁶⁶ Human Rights Council, [Informe del Grupo de Trabajo sobre la cuestión de los derechos humanos y las empresas transnacionales y otras empresas sobre su visita a Honduras](#), [‘Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its visit to Honduras’], A/HRC/44/43/Add.2, May 15, 2020, par. 48.

²⁶⁷ Human Rights Council, [Informe del Grupo de Trabajo sobre la cuestión de los derechos humanos y las empresas transnacionales y otras empresas sobre su visita a Honduras](#), [‘Report of the Working Group on the issue of human rights and transnational corporations and other businesses on its visit to Honduras’], A/HRC/44/43/Add.2, May 15, 2020, par. 48.

²⁶⁸ IACHR, [Desplazamiento interno en el Triángulo Norte de Centroamérica Lineamientos para la formulación de políticas públicas](#), [‘Internal displacement in the Northern Triangle of Central America: Public Policy Guidelines’], OEA/Ser.L/V/II. Doc. 101 27 July 2018, par. 97.

²⁶⁹ State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 29.

priority municipalities,²⁷⁰ which present the highest rates of returning migrants and families living in poverty and vulnerable situations, who would be at greater risk of migrating in an irregular situation.²⁷¹ The State also said that as part of implementation of the pilot project “Generating Knowledge and Experience in Humanitarian Assistance in the Emergency of Returning Migrants with Protection Needs,” assistance had been provided in 28 cases.²⁷²

191. CONADEH, for its part, noted that the National Council for the Protection of Honduran Migrants continues to implement projects and programs aimed at helping the Honduran population to put down roots and thereby avoid forced migration.²⁷³

192. In this regard, the most up-to-date figures of the Consular and Migratory Observatory of Honduras show that as of September 30, 2020, a total of 32,321 Hondurans had been deported and returned, as compared to 90,649 persons deported over the same period in 2019.²⁷⁴

193. For their part, in the framework of the UPR, organizations of the relatives of missing migrants denounced that the number of Honduran migrants being detained in and deported from transit and destination countries had increased in recent years and that the consular assistance available to them was insufficient.²⁷⁵ On this score, the IACHR has held that States must guarantee that decent conditions are available for the reintegration of deported and returning migrants, as well as access to justice in cases of human rights violations occurring during the return, deportation, removal or expulsion, access to emotional and mental health care services to enable them to rebuild their lives, and non-criminalization or revictimization of such persons, without discrimination.²⁷⁶

194. In relation to **implementation of measures for the search for and identification of missing migrants**, the State noted that the agreement on missing migrants and unidentified bodies with the Argentine Team of Forensic Anthropologists remains in effect. Likewise, it said that the “Table for the Search of Missing Migrants” continues to operate.²⁷⁷ In this regard, the Commission notes that the State has not submitted information about actions taken as part of the aforementioned agreement.

²⁷⁰ Catacamas, Choloma, Distrito Central, El Progreso, Juticalpa, La Ceiba and San Pedro Sula, located in the Northern and Central Region of the country.

²⁷¹ State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pgs. 29 and 30.

²⁷² State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 29; State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras,” February 2, 2020, par. 52.

²⁷³ CONADEH, Follow-up Report on the Recommendations of the Report on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights (IACHR), October 23, 2020, pg. 27.

²⁷⁴ Consular and Migratory Observatory of Honduras, [Hondureños retornados en el año 2020](#), [‘Honduran returning migrants in 2020’], October 2020.

²⁷⁵ Human Rights Council, [Resumen de las comunicaciones de las partes interesadas sobre Honduras](#), [Summary of Stakeholders’ submissions on Honduras], A/HRC/WG.6/36/HND/3, February 25, 2020, par. 86.

²⁷⁶ IACHR, [Resolución 04/19 Principios interamericanos sobre los derechos humanos de todas las personas migrantes, refugiadas, apátridas y las víctimas de la trata de personas](#), [Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking, December 7, 2019, Principle 80.

²⁷⁷ State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 30.

195. In its observations on the draft of this report, the State indicated that within the framework of the Agreement from 2011 to August 5, 2020, 52 sampling days were carried out with family members, collecting a total of 1,276 genetic profiles, of which 556 cases were entered into the forensic databank of missing migrants not located in Honduras; as a result, 51 remains were identified: 22 in the United States and 29 in Mexico. It mentioned that one result of the Table for the Search of Missing Migrants, was a unified Ante Mortem Data Sheet, which all the members and institutions that make up the Table have adopted for their work. The members are also reportedly making efforts to create a national protocol for the search of missing migrants.²⁷⁸

196. The State further reported on two strategies implemented by the Secretariat for Foreign Affairs (SRECI) in conjunction with the National Forum for Migration in Honduras: i) strengthening and improving the quality of life for family members of missing migrants through entrepreneurship, which has benefited a total of 18 families in Cedros, Francisco Morazán, and ii) strengthening and improving the quality of life through entrepreneurship, with a focus on the family members of missing migrants, single mothers and returning young men and women migrants, which has benefited a total of 100 returning migrants in the department of Francisco Morazán, neighboring areas and the northern zone.²⁷⁹

197. In this regard, in the framework of the UPR, organization of relatives of missing migrants registered 741 disappearances of Honduran migrants in 2019 on the northward migration route. They also emphasized the lack of an effective mechanism for reporting the disappearance of a person outside of Honduran territory, the lack of an effective search and investigation mechanism and of a centralized register of missing persons.²⁸⁰

198. In view of the information cited in this section, the Commission concludes that the recommendation has been **partially implemented**. At the same time, the IACHR urges the State to continue with its efforts to adopt a public policy aimed at ensuring an effective and human rights-focused reintegration of returning migrants, as well as to implement measures for the search for and identification of missing migrants.

13. Recommendations with Respect to Persons Deprived of Liberty

- Adopt judicial, legislative, administrative and other measures required for the application of pretrial detention in accordance with international standards. The State should promote, regulate and implement alternative measures to pretrial detention; and should repeal the provisions requiring a mandatory application of pretrial detention based on the type of crime, in particular Article 184 of the Code of Criminal Procedure. In addition, the IACHR urges the State to take action to efficiently implement existing initiatives that provide for the application of release benefits.

²⁷⁸ State of Honduras, Observaciones fácticas al Informe de Seguimiento de Recomendaciones emitidas en el Informe “Situación De Derechos Humanos en Honduras”, February 2, 2020, parr.54.

²⁷⁹ State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 30.

²⁸⁰ Human Rights Council, [Resumen de las comunicaciones de las partes interesadas sobre Honduras](#), Summary of Stakeholders’ submissions on Honduras, A/HRC/WG.6/36/HND/3, February 25, 2020, par. 85.

- Ensure the right of regular visits. In particular, reform Article 10 of the Regulations on visits to establishments of the National Penitentiary System, in order to provide only for the compliance with those essential requirements to guarantee the security inside the penitentiary centers, and that these requirements do not represent a disproportionate expense for people in a situation of poverty or with scarce resources.
- Use solitary confinement on an exceptional basis, based on an individualized risk assessment, limited to the shortest possible time, and as a last resort. In this regard, the State should amend Decree No. 101/2015 (Labor Act for Persons Deprived of Liberty and Permanence for Highly Dangerous and Aggressive Inmates) to bring it into line with international standards, especially with regard to the duration of the isolation and its review.

199. In relation to the recommendation **adopt measures required for the application of pretrial detention in accordance with international standards**, the IACHR's main requests of the State are: i) to promote measures, and repeal Article 184 which prohibits pretrial release for 21 crimes; and ii) to efficiently implement existing initiatives providing for release benefits.

200. As for regulation of alternative measures and repeal of Article 184 of the Code of Criminal Procedure, the State reported that, by means of an amendment to the above-cited provision, dated June 10, 2020, the list of crimes for which alternative measures to pretrial detention is unacceptable has been reduced, with the crimes of drug trafficking, rape, arms trafficking or other offenses related to organized crime not qualifying for this benefit.²⁸¹

201. With regard to this amendment, in press releases of September 9 and 16, the Commission welcomed the adoption of Decree No. 36-2020 of Honduras, which makes it possible to impose alternative measures to pretrial detention with respect to certain crimes for which pretrial detention was mandatory under Article 184 of the Code of Criminal Procedure.²⁸² Specifically, pursuant to Article 1 of the aforementioned Decree, the respective alternatives measures can be imposed "simultaneously or successively."²⁸³

202. Notwithstanding, and as the State notes, the aforementioned provision preserves mandatory pretrial detention for the crimes of drug trafficking, rape, arms trafficking and other offenses related to organized crime.²⁸⁴ In this regard, even though most of the criminal offenses, that are included in Article 184 of the Code of Criminal Procedure, are subject to discretionary application of alternative measures to pretrial detention, the 2020 amendment to

²⁸¹ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 21.

²⁸² IACHR, Press Release 212/20 - [Frente a la pandemia del COVID-19, la CIDH manifiesta preocupación por la situación especial de riesgo que enfrentan las personas privadas de libertad en la región](#). [IACHR concerned about specific risks faced by Persons Deprived of Liberty in the Americas during the COVID-19 pandemic], September 9, 2020, and IACHR, Press Release 221/20 - [OACNUDH y CIDH manifiestan su preocupación por la situación de las personas privadas de libertad en Honduras](#). [OHCHR and IACHR Concerned about the Situation of Persons Who Are Deprived of Liberty in Honduras], September 16, 2020.

²⁸³ The Gazette, Official Register of the Republic of Honduras, [Poder Legislativo, Decreto No. 36-2020](#), [Legislative Branch Decree No. 36-2020], June 10, 2020, article 1.

²⁸⁴ The Gazette, Official Register of the Republic of Honduras, [Poder Legislativo, Decreto No. 36-2020](#), [Legislative Branch Decree No. 36-2020], June 10, 2020, article 1.

the criminal procedural code continues to be at odds with Inter-American standards on the subject matter. On this score, the Commission recalls that in accordance with the consistent legal precedents of the bodies of the Inter-American system, application of mandatory pretrial detention on the basis of the type of offense not only constitutes a violation of the right to personal liberty, under Article 7.3 of the American Convention on Human Rights,²⁸⁵ but it makes pretrial detention into an early penalty,²⁸⁶ and amounts to illegitimate interference by the legislator in the powers of assessment vested in the judicial authority.²⁸⁷

203. Moreover, in the context of the COVID-19 pandemic, the Honduran State reported to the Commission that the amendment to Article 184 of the Code of Criminal Procedure also sets forth the transitory measure of mandatory review of precautionary measures for pre-trial detention of defendants with diseases that place them at greater risk of contracting COVID-19.²⁸⁸ In these cases, the State notes, the precautionary measure would be replaced with home detention.²⁸⁹ On this score, in a press release of September 16, both the Commission and the OUNHCHR in Honduras recognized adoption of this measure.²⁹⁰

204. Additionally, in relation to the application of release benefits, the State of Honduras highlighted actions it took to reduce the prison population in the context of the pandemic. Thus, it reported to the Commission that in the framework of the “Plan to Relieve Prison Facilities,” from March to September 25, 2020, the Judiciary had granted 2,773 benefits of

²⁸⁵ IACHR, [Situación de derechos humanos en Honduras](#). [Situation of Human Rights in Honduras], OEA/Ser.L/V/II. Doc. 146, August 27, 2019, par. 339; CIDH, [Situación de derechos humanos en Honduras](#). [Situation of Human Rights in Honduras], OEA/Ser.L/V/II. Doc. 42/15 December 31, 2015, par. 558; IA Court of HR. Case of Suárez Rosero v. Ecuador. Judgment of November 12, 1997. Series C No. 35, par. 98; IA Court of HR. Case of Acosta Calderón v. Ecuador. Judgment of June 24, 2005. Series C No. 129, par. 135; IA Court of HR. Case of López Álvarez v. Honduras. Judgment of February 1, 2006. Series C No. 141, par. 81. Like the Inter-American system, the European Court understands that “any system of mandatory preventive detention is incompatible with Article 5(3) of the European Convention.” European Court of Human Rights Case of Ilijkov v. Bulgaria (Application No. 33977/96), Judgment of July 26, 2001 (Fourth Section of the Court), par. 84.

²⁸⁶ IACHR, [Situación de derechos humanos en Honduras](#). [Situation of Human Rights in Honduras] OEA/Ser.L/V/II. Doc. 146, August 27, 2019, par. 339; IACHR, [Informe sobre medidas dirigidas a reducir el uso de la prisión preventiva en las Américas](#), [Report on measures aimed at reducing the use of pre-trial detention in the Americas] OEA/Ser.L/V/II.163. Doc. 105, July 3, 2017, par. 91; IACHR, [Informe sobre el Uso de la Prisión Preventiva en las Américas](#), [Report on the Use of Pre-trial Detention in the Americas] OEA/Ser.L/V/II., Doc. 46/13, December 30, 2013, par. 151; IACHR, Report on the Merits No. 86/09, Case 12.553. Merits. Jorge, Jose and Dante Peirano Basso. Uruguay. August 6, 2009, par. 141.

²⁸⁷ IACHR, [Situación de derechos humanos en Honduras](#). [Situation of Human Rights in Honduras] OEA/Ser.L/V/II. Doc. 146, August 27, 2019, par. 339; IACHR, [Situación de derechos humanos en Honduras](#). [Situation of Human Rights in Honduras] OEA/Ser.L/V/II. Doc. 42/15 December 31, 2015, par. 558; IACHR, [Informe sobre el Uso de la Prisión Preventiva en las Américas](#), [Report on the Use of Pre-trial Detention in the Americas] OEA/Ser.L/V/II. Doc.46/13, December 30, 2013, par. 137.

²⁸⁸ In particular, Article 4 of Decree No. 36-2020-, establishes that: “the following will be understood as the prison population at risk of contracting the COVID-19 Virus: immunosuppressed patients or those with HIV, cancer patients, patients with autoimmune diseases, hypertension, diabetes, high cholesterol, coronary disease, dementia, auricular fibrillation, the two variants of chronic obstructive pulmonary disease, pulmonary emphysema and chronic bronchitis, bronchial asthma, kidney disease, congestive heart insufficiency.” The Gazette. Official Register of the Republic of Honduras. [Poder Legislativo, Decreto No. 36-2020](#), [Legislative Branch. Decree No. 36-2020], June 10, 2020, Article 4.

²⁸⁹ State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 21.

²⁹⁰ IACHR, Press Release 221/20 - [OACNUDH y CIDH manifiestan su preocupación por la situación de las personas privadas de libertad en Honduras](#), [OHCHR and IACHR Concerned about the Situation of Persons Who Are Deprived of Liberty in Honduras], September 16, 2020; The Gazette, Official Register of the Republic of Honduras, [Poder Legislativo, Decreto No. 36-2020](#), Legislative Branch. Decree No. 36-2020], June 10, 2020, Article 4.

release to persons deprived of liberty.²⁹¹ In view of the foregoing considerations, the Commission finds **substantial partial compliance** with this recommendation.

205. With respect to the recommendation **ensure the right of regular visits**, the IACHR specifically requested from the State to **amend Article 10 of the Visitation Rules of the National Penitentiary System**, so that the provisions would only set forth those requirements that were necessary to guarantee the security of the prison facilities. In response, the State reported on approval, by means of Legislative Decrees No. 180-2018 and No. 171-2019, instituting the exemption to payment for records and documents issued by institutions of the State, that are required to be issued a pass to visit persons deprived of liberty. It also noted that persons in custody could receive up to 3 visits per day.²⁹²

206. For its part, CONADEH told the IACHR that it was working on a proposed amendment to the aforementioned article based on international standards and the recommendations of the IACHR, through the Inter-institutional Group to Strengthen Human Rights and the Prevention of Torture, Cruel, Inhuman or Degrading Treatment of Persons Deprived of Liberty.²⁹³ Additionally, the National Mechanism and Committee for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment (MNP-CONAPREV) reported on relevant actions being taken in revising and amending Article 10, which had been defined through this interinstitutional group, including introducing a technical opinion of the UNHCHR and the of the Secretariat for Human Rights.²⁹⁴ Nonetheless, the MNP-CONAPREV expressed its concern over the Legislative Committee's lack of response of to the recommendations that were introduced, because as of the present date there have been no positive outcomes in moving these actions forward.

207. Moreover, the MNP-CONAPREV noted that the visitor's card of more than 98% of the families of persons in custody had expired because they are only valid for 6 months. This situation causes uncertainty and concern for the family members in the context of the prison system emergency, stemming from both the health crisis and the emergency declared for Hurricane Eta.

208. Additionally, in the context of the COVID-19 pandemic, the State reported to the IACHR about the temporary suspension of family and attorney visits, excluding from this measure national and international human rights organizations. The State further reported it is drafting a strict protocol for the potential reopening of visits to family members. This protocol is supposed to be in the final phase of review by the authorities of the National Penitentiary Institute and would subsequently be disseminated to civil society groups, human rights protection and promotion institutions and judicial agencies.²⁹⁵

²⁹¹ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 21.

²⁹² State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 22.

²⁹³ CONADEH, Follow-up Report on the Recommendations of the Report on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights (IACHR), October 23, 2020, pg. 23.

²⁹⁴ UNHCHR, Comparative standards and practices relating to alternative measures to communication and gradual return to the visitation regime in the Penitentiary System; Secretariat for Human Rights, Legal Opinion in its capacity of technical advisor as a contribution of the Secretariat of Human Rights, September 4, 2020.

²⁹⁵ State of Honduras, State's observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 23.

209. With respect to the suspension of visits, through its press release of September 9, the IACHR noted that this measure would limit regular access to personal hygiene items, as such items are provided to them by the family members of the persons in custody.²⁹⁶ In addition, at the hearing held before the IACHR at the 177th session, civil society organizations denounced that the restrictions on visits infringe the right of the persons deprived of liberty and that both family members and legal representatives have limited access to information on the situation of the prison population.²⁹⁷ Moreover, civil society has reported that these restrictions have also hampered their capacity to monitor State actions at penitentiary facilities.²⁹⁸ In view of the preceding analysis, the IACHR finds **partial compliance** with this recommendation.

210. In relation to the recommendation **use solitary confinement on an exceptional basis and, particularly, amend Decree No. 101/2015 (Labor Act for Persons Deprived of Liberty and Permanence for Highly Dangerous and Aggressive Inmates)**, the State noted that no progress has been made on this recommendation.²⁹⁹ For its part, CONADEH reported that the CONAPREV was in the process of drafting a Legislative Bill of the Sentence Redemption Act, which would incorporate into its final provisions the recommendation to repeal the Labor Act for Persons Deprived of Liberty and Permanence for Highly Dangerous and Aggressive Inmates, because it does not conform to international human rights standards.³⁰⁰ Accordingly, the IACHR understands this recommendation to be **pending compliance**, and reminds the State of the importance of conforming to Inter-American standards relating to the use of solitary confinement.

14. Recommendations with Respect to the Installation of a Special Follow-Up Mechanism to Verify Implementation of the Recommendations Issued by the IACHR

211. In its country report, the IACHR recommended the State of Honduras to set up a special follow-up mechanism with the IACHR to verify the implementation of the recommendations issued in the framework of the visit. On this score, in November 2019, the Special Technical Advisory Board for compliance with human rights recommendations (MESAT) was created. The Commission notes that, since its installation, as of the date of this report, several activities have been concluded in the framework of this mechanism. Specifically, over 2020, under MESAT, a training workshop was held for State officials on Inter-American standards of the human rights of women, including gender-based violence and discrimination against women; a

²⁹⁶ IACHR, Press Release 66/20 - [Frente a la pandemia del COVID-19, la CIDH manifiesta preocupación por la situación especial de riesgo que enfrentan las personas privadas de libertad en la región](#). [The IACHR urges States to guarantee the health and integrity of persons deprived of liberty and their families in the face of the COVID-19 pandemic], Washington, D.C., September 9, 2020.

²⁹⁷ IACHR, [Audiencia Temática: Situación de las personas privadas de libertad en Honduras frente la pandemia del COVID-19](#), [Thematic Hearing: Situation of persons deprived of liberty in Honduras in view of the COVID-19 pandemic], 177th Session, October 2, 2020.

²⁹⁸ CARITAS, CEJIL, CPTRT, COFADEH, EROC-SJ, Pastoral Penitenciaria, Situation of persons deprived of liberty at prison facilities in the context of the COVID-19 pandemic in Honduras, Request for Thematic Hearing at the 177th Session of the IACHR, communication of July 22, 2020; CEJIL, Press Release: [“Mesa de Seguimiento a sentencias interamericanas urge a Honduras a tomar medidas inmediatas para garantizar vida y salud de personas privadas de libertad”](#), [Follow up Group on Inter-American judgement urges Honduras to take immediate measures to guarantee the lives and health of persons deprived of liberty], June 17, 2020.

²⁹⁹ State of Honduras, State’s observations on the Report Situation of Human Rights in Honduras 2019, October 30, 2020, pg. 23.

³⁰⁰ CONADEH, Follow-up Report on the Recommendations of the Report on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights (IACHR), October 23, 2020, pg. 24.

follow-up matrix was created for the recommendations issued by the IACHR in its country report; and a training workshop was held on follow-up of IACHR recommendations; best practices were exchange on the SIMOREH and the Inter-American SIMORE.

212. In light of the context of the COVID-19 pandemic, different activities originally planned for 2020 had to be postponed. The Commission appreciates the willingness and collaboration of the Honduran State for the MESAT to effectively function and hopes to be able to continue to provide technical assistance and cooperation to the State in the area of human rights and continue to strengthen implementation of Inter-American standards in the country. Based on the foregoing, the Commission finds **partial compliance** with this recommendation.

III. CONCLUSIONS

213. The Commission reiterates to the State of Honduras the recommendations issued in its 2019 Country Report. Though some progress has been reported in compliance with the recommendations that the IACHR highlights in this document, there continue to be persistent challenges with regard to democratic institutions and rule of law, impunity and access to justice, citizen security, freedom of expression and ESCERs. In addition, the Commission has observed that various population groups continue to be in an especially vulnerable situation.

214. Over 2020, the IACHR continues to view with particular concern the lack of progress in the investigations into the crimes committed during the protests in the post-electoral context, as well as the lack of guarantees for the lives and safety of people who peacefully demonstrate. The Commission is also concerned that no substantive progress has been seen in removing the military forces from security tasks. The Commission further notes the lack of substantive progress in eradicating poverty. The IACHR is concerned about the continuing violence against LGBTI persons, journalists and human rights defenders in Honduras. Violence against women is also an item of particular concern to the IACHR, as well as the lack of progress in investigating these crimes. The territorial conflicts in indigenous and Afro-Honduran communities continue to be a pending challenge. The IACHR is also troubled by the situation of persons deprived of liberty, which has been exacerbated in the context of the COVID-19 pandemic.

215. As the Commission noted in its Country Report, for there to be full enjoyment of human rights, it is essential for Honduras to advance in its democratic institutional process, guarantee a genuine separation of powers and strengthen the rule of law. In this context, it is crucial that citizens regain confidence in their State institutions. To this end, the State must take decisive measures in the administration of justice and in the fight against impunity and corruption, as well as in reforms to the electoral system in accordance with the international recommendations drawn up to that end. Likewise, the State must ensure a real and effective transformation for the eradication of the situation of poverty, exclusion and structural inequality that persists in the country, which impact on the exercise and enjoyment of human rights, especially of those groups at particular risk. This requires the adoption of effective measures in accordance with applicable international standards. In this context, the IACHR makes a series of recommendations to the State of Honduras.

216. The Commission reaffirms its commitment to collaborate with the State of Honduras in seeking solutions to the problems identified, and in the implementation of the recommendations of the instant report, which are issued in a spirit of cooperation and constructiveness. The IACHR stands at the disposal of the State to work together in following up

on compliance with the recommendations of the report in order to ensure the effective enjoyment of the human rights of all persons under its jurisdiction.