

A photograph of a woman in the foreground, wearing a patterned black and white shirt and a headwrap, holding a large Honduran flag. She has a serious expression. In the background, other people are visible, some wearing traditional clothing and others in modern attire. The scene appears to be a public demonstration or protest.

**Executive summary**

# **Alternative Report to the Second Report of the State of Honduras to the Committee on Economic, Social and Cultural Rights**

Submitted to the Committee on Economic, Social and Cultural Rights  
during its 58th session  
May 2016

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**Cover photo:** **Heriberto Paredes / Agencia Autónoma de Comunicación Subversiones**

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<sup>1</sup> FIAN International supported the preparation of this report within the framework of the Working Group for Land Rights in Central America, which also comprises Bread for the World – Protestant Development Service, Misereor, terre des hommes and Iniciativa Cristiana Romero.

The UPR Platform (*Plataforma EPU* in Spanish) was established in 2014 with the aim of articulating the advocacy work of civil society organisations of Honduras for the second Universal Periodic Review (UPR) of the State of Honduras before the United Nations Human Rights Council. Since this process, however, it has remained as a space for articulation.

It comprises the following 54 social, development and human rights organisations in Honduras.

**UPR Platform:**

Asociación Danesa de Personas con Discapacidad (ADD) - Asociación Nacional para el Fomento de la Agricultura Ecológica (ANAF AE) - Centro de Estudio para la Democracia (CESPAD) - Coordinación de Instituciones Privadas por las niñas, niños, adolescentes, jóvenes y sus derechos (COIPRODEN) - Espacio Regional de Occidente (EROO) - Federación de Tribus Indígenas de Honduras (FETRI PH) - Foro Nacional para las Migraciones (FONAMIH) - Movimiento Unificado de Campesinos del Aguán (MUCA) - Observatorio Permanente de Derechos Humanos de El Aguán - PEN Honduras - Proyecto VIH rural - Red Balance - Red Centroamericana de Personas Viviendo con VIH (REDCA); and also the **Coalition against Impunity** (*Coalición contra la Impunidad* in Spanish) made up of the following organisations: Asociación LGTB Arcoiris de Honduras; FIAN Honduras; Asociación de Jóvenes en Movimiento (AJEM); Asociación de Jueces por la Democracia (AJD); Asociación de Mujeres Intibucanas Renovadas (AMIR); Asociación Intermunicipal de Desarrollo y Vigilancia Social de Honduras (AIDEVISH); Asociación Nacional de Personas viviendo con SIDA (ASONAPV SIDA); Asociación Feminista Trans (AF eT); CARITAS – Diócesis de San Pedro Sula; Centro de Derechos de Mujeres (CDM); Centro de Desarrollo Humano (CDH); Centro de Educación y Prevención en Salud, Sexualidad y Sida (CEPRES); Centro de Estudios de la Mujer Honduras (CEM-H); Centro de Investigación y Promoción de Derechos Humanos (CIPRODEH); Centro para la Prevención, Tratamiento y Rehabilitación de Víctimas de la Tortura y sus Familiares (CPTRT); Colectivo Diamantes Limeños LGTB; Colectivo Gemas; Colectivo Unidad Color Rosa; Comité de Familiares de Detenidos Desaparecidos de Honduras (COFADEH); Comité de Familiares de Migrantes Desaparecidos de El Progreso (COFAMIPRO); Comité por la Libre Expresión C-Libre; Convergencia por los Derechos Humanos de la Zona Nor Occidental; Crisálidas de Villanueva; Equipo de Monitoreo Independiente de Honduras (EMIH); Equipo de Reflexión, Investigación y Comunicación (ERIC-SJ); Feministas Universitarias; Familia Franciscana de Honduras (JPIC); Frente Amplio del COPEMH; Foro de Mujeres por la Vida; Foro Social de la Deuda Externa y Desarrollo de Honduras (FOSDEH); Indignados Unidos por Honduras; JASS en Honduras; Movimiento Amplio por la Dignidad y la Justicia (MADJ); Movimiento Diversidad en Resistencia (MDR); Movimiento de Mujeres por la Paz “Visitación Padilla”; Red de Mujeres Jóvenes de Cortés; Red de Mujeres Unidas de Colonia “Ramón Amaya Amador”; Red de Participación de Organizaciones de Sociedad Civil Siguatepeque (RPOSC); Red Nacional de Defensoras de Derechos Humanos en Honduras; Tribuna de Mujeres contra los Femicidios; Unión de Empresas y Organizaciones de Trabajadores del Campo (UTC – La Paz).

# EXECUTIVE SUMMARY

## 1.1 Presentation

This report is submitted by civil society as the alternative report to the second report of the State of Honduras for review by the Committee on Economic, Social and Cultural Rights during its 58th session in June 2016. It was prepared within the framework of the UPR Platform, which comprises 54 social movement, development and human rights organisations in Honduras.<sup>2</sup> The report was drafted based on information from civil society and international and regional organisations and agencies – including various mechanisms and agencies of the United Nations and the Inter-American Human Rights System - as well as on official information from the State of Honduras. The drafting process included a review of the State report, as well as previous recommendations from the Committee on Economic, Social and Cultural Rights during the first cycle on Honduras in 2001, and from other United Nations treaty bodies.

The State was due to present its second report at the end of June 2006. However, its submission was delayed until May 2014 and it was published in October 2014. Although the State declares in its report that it included the "*active participation of civil society groups, sectors and organisations*",<sup>3</sup> the calls for sessions for preparation of the report were limited. Its methodology was also not aimed at consultation, but rather, a socialisation of the process. The organisations comprising the UPR Platform have no record of a consultation process having existed for the preparation of the report, or of having participated in one. We urge the Committee to recommend that the State recommends necessary measures to ensure the participation of civil society in the drafting process of the next State report as well as in the follow-up to the implementation of the recommendations adopted in the current session.

## 1.2 Context

Poverty levels in Honduras are extremely high – a situation which greatly impacts on the fulfilment of economic, social and cultural rights (ESCR). According to 2014 data from the Economic Commission for Latin America and the Caribbean (ECLAC), Honduras has the second-highest level of multi-dimensional poverty in Latin America, with an incidence of 70.5%.<sup>4</sup> According to the National Institute of Statistics (INE), the incidence of income poverty was 62.8% and extreme household poverty measured 39.7% in 2014. In rural areas, the level of extreme poverty is even more critical, reaching 51.8%.<sup>5</sup> Honduras also presents an above-average unequal wealth distribution for Latin America and the Caribbean, with a Gini index of 0.54.<sup>6</sup> Approximately 20% of the wealthiest people in the country receive 60% of domestic income while the poorest 20% only earn 2.02%.<sup>7</sup> The Human Development Index, which for 2013 was 0.617, also positions the country as 129<sup>th</sup> out of 187 countries and territories, classifying it in the medium human development category.<sup>8</sup>

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<sup>2</sup> See imprint for the list of organisations.

<sup>3</sup> Comité de Derechos Económicos, Sociales y Culturales. *Examen de los informes presentados por los Estados partes en virtud de los artículos 16 y 17 del Pacto Internacional de Derechos Económicos, Sociales y Culturales. Segundos Informes periódicos que los Estados debían presentar en 2006. Honduras*. E/c/12./HND/2. 31 October 2014. Presentation. Quotes correspond to paragraph 4. Available at: [www.tbinternet.ohchr.org/layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fHND%2f2&Lang=es](http://www.tbinternet.ohchr.org/layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fHND%2f2&Lang=es)

<sup>4</sup> Comisión Económica para América Latina. *Panorama Social de América Latina*. Naciones Unidas. CEPAL. Santiago de Chile. 2014, p. 18. "Las mayores incidencias [de pobreza multidimensional] se presentaban en Nicaragua (74,1%), Honduras (70,5%), Guatemala (70,3%) y el Estado Plurinacional de Bolivia (58%) [...]". Available in Spanish at: [http://repositorio.cepal.org/bitstream/handle/11362/37626/S1420729\\_es.pdf?sequence=6](http://repositorio.cepal.org/bitstream/handle/11362/37626/S1420729_es.pdf?sequence=6)

<sup>5</sup> 2014 data from the *Instituto Nacional de Estadística*. For more information, please visit: [www.ine.gob.hn](http://www.ine.gob.hn)

<sup>6</sup> Banco Mundial. *ADN Económico de Honduras. Manteniendo el compromiso. Con una sección de enfoque sobre pobreza y prosperidad compartida*. World Bank Group. 1<sup>st</sup> Ed. June 2015, p. 33.

<sup>7</sup> Consejo de Derechos Humanos. *Informe de la Relatora Especial sobre la violencia contra la mujer, sus causas y consecuencias acerca de su misión a Honduras (1 a 8 de julio de 2014)*. A/HRC/29/27/Add.1. 31 March 2015, p. 3.

<sup>8</sup> Comisión Interamericana de Derechos Humanos. *Situación de los Derechos Humanos en Honduras... op. cit.*, paragraph 393, p. 161.

Despite the fact that the State of Honduras is obliged to fulfil ESCR progressively to the extent of its available resources, as established in article 2.1. of the ICESCR, over the last six years more public resources have been allocated to the security and defence sectors at the expense of resources earmarked to attend to the population's basic needs. Between 2010 and 2016, the Defence and Security secretariats have increased their budgets by 161% and 102% respectively, while those of Education and Health increased by only 11% and 29%, respectively.<sup>9</sup> It is a further cause for concern that health, welfare and social security services are being privatised, which has an impact on the enjoyment of such rights by the most marginalised groups. High levels of corruption and impunity are also being observed. According to the 2015 Corruption Perception Index, Honduras is the seventh most corrupt country on the American continent.<sup>10</sup> This impacts directly on the fulfilment of ESCR for the Honduran population, as evidenced by the diversion of 350 million dollars from the Honduran Social Security Institute (IHSS) exposed in 2015.

In this context, it is worth highlighting the indivisibility of human rights: there is a strong link between high levels of poverty and inequality and high levels of violence and insecurity in the country, which continue to be among the highest in the world.<sup>11</sup> Poverty and violence are also decisive factors in the large waves of Honduran migrants, especially towards the United States.<sup>12</sup> The coup in 2009 caused an immediate regression in terms of human rights and a strong blow to the country's institutional framework. Against this backdrop, a process to remilitarise the State of Honduras was initiated. Indeed, Honduran armed forces have been taking on regular tasks concerning citizen safety, among other functions which do not necessarily correspond to them.<sup>13</sup>

During the first (2010)<sup>14</sup> and second cycle (2015)<sup>15</sup> of the Universal Periodic Review (UPR) before the Human Rights Council, the State of Honduras received a series of comments and recommendations concerning economic, social and cultural rights. These included the ratification of the Optional Protocol of the ICESCR, which has still not occurred.<sup>16</sup>

The specific situations regarding the realization of certain rights are set out below, and explained in further detail in the full report:

**A. The right of peoples to freely dispose of their natural wealth and resources (Article 1.2 of the ICESCR):** In 1994 the State of Honduras ratified the ILO Convention No. 169 on Indigenous and Tribal Peoples,<sup>17</sup> however, this convention has still not been incorporated into national law. According to some sources, 43 concessions have been awarded to hydroelectric and mining projects in areas which indigenous peoples consider sacred

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<sup>9</sup> Instituto Centroamericano de Estudios Fiscales. *Diagnóstico de Situación y Perspectivas para la Sostenibilidad Fiscal en Honduras*. ICEFI. 19 November 2015. Available in Spanish at: [www.icefi.org/sites/default/files/presentacion\\_presupuesto\\_2016hn\\_.pdf](http://www.icefi.org/sites/default/files/presentacion_presupuesto_2016hn_.pdf)

<sup>10</sup> Transparency International. *Índice de Percepción de la Corrupción 2015 de Transparency International América*. Transparency International (2015). Available in Spanish at: [www.transparencia.org.es/wp-content/uploads/2016/01/america\\_ipc-2015.pdf](http://www.transparencia.org.es/wp-content/uploads/2016/01/america_ipc-2015.pdf)

<sup>11</sup> Comisión Interamericana de Derechos Humanos. *Situación de los Derechos Humanos en Honduras...* *op. cit.*, paragraph 3, p. 11.

<sup>12</sup> "Niños hondureños migran para librarse de la pobreza y violencia". *El Heraldo*. 28 June 2014. Available at: <http://www.elheraldo.hn/alfrente/724099-209/ni%C3%B1os-hondure%C3%B1os-migran-para-librarse-de-la-pobreza-y-violencia>

<sup>13</sup> Comisión Interamericana de Derechos Humanos. *Situación de los Derechos Humanos en Honduras...* *op. cit.*, paragraph 9, p. 12.

<sup>14</sup> First cycle recommendations (2010) are available at: [www.upr-info.org/sites/default/files/document/honduras/session\\_9\\_-\\_november\\_2010/recommendationstohonduras2011.pdf](http://www.upr-info.org/sites/default/files/document/honduras/session_9_-_november_2010/recommendationstohonduras2011.pdf)

<sup>15</sup> Second cycle recommendations (2015) are available at: [www.upr-info.org/sites/default/files/document/honduras/session\\_22\\_may\\_2015/recommendations\\_and\\_pledges\\_honduras\\_2015.pdf](http://www.upr-info.org/sites/default/files/document/honduras/session_22_may_2015/recommendations_and_pledges_honduras_2015.pdf)

<sup>16</sup> Working Group on the Universal Periodic Review. *Draft report of the Working Group on the Universal Periodic Review. Honduras*. Human Rights Council. A/HRC/WG.6/22/L.9. 12 May 2015. Available at: [www.upr-info.org/sites/default/files/document/honduras/session\\_22\\_-\\_mai\\_2015/a\\_hrc\\_wg.6\\_22\\_l.9.pdf](http://www.upr-info.org/sites/default/files/document/honduras/session_22_-_mai_2015/a_hrc_wg.6_22_l.9.pdf)

<sup>17</sup> Decree 26-94 of the National Congress 10 May 1994. Diario Oficial "La Gaceta" 27,413. 30 July 1994.

or vital to ensure the subsistence of local communities.<sup>18</sup> The current economic policy and extractivist development model that is being promoted in Honduras hinder the enjoyment of these rights, leading to the dispossession of land and territories of indigenous peoples and Garifuna (Afro-descendent) communities. In turn, this has resulted in violence, intimidation and the criminalisation of leaders for their work in defending their natural resources. We urge the Committee to recommend that the State harmonise national legislation and regulations with ILO Convention 169 and to reopen the debate at the National Congress on the current development model, by implementing consultations with indigenous peoples and Garifuna communities.

**B. Rights to work and just and favourable conditions of work (Articles 6 and 7):** A clear gap exists between salaries and the cost of living, which impedes the full realisation of the right to an adequate standard of living, including the right to adequate food and nutrition. While for the first six months of 2016 a basic food basket cost 7863.85 lempiras per month (approx. US \$360),<sup>19</sup> the minimum salary remained between approx. 5000 and 7600 lempiras (between approx. US \$245 and US \$318 per month). On the other hand, the measures implemented by the State of Honduras to tackle unemployment and underemployment such as the *Hourly Employment Act (Ley del Empleo por Hora)* and the “*Con Chamba Vivís Mejor*” programme have not contributed to guaranteeing stability for workers; instead, temporary work and legally unregulated activities are thriving. Having a flexible and deregulated labour market and laws is a practice that increases company profit margins, but in contrast, affects the rights of the working population, due to the demand for greater efforts in their activities. Measures such as these mark a regression in acquired rights and have a knock-on effect on other rights (health and the organisation of trade unions, among others), given that a population involved in temporary work will find it hard to move forward in terms of organising itself and is subject to long days, which make work conditions and the lives of workers and their families more precarious. In the agro-industrial production sectors, it has been observed that women are employed in less well-paid jobs and are exposed to chemicals and other agricultural inputs, which are harmful to their health, especially when they become mothers. Not enough attention is paid to reproductive rights, and much less so to the double and even triple day's work that rural women perform. We urge the Committee to recommend that the State ratify several ILO conventions and duly disseminate and implement the conventions it has already signed and ratified. Additionally, the State should repeal laws that go against labour rights, especially the *Hourly Employment Act (Ley del Empleo por Hora)* and the “*Con Chamba Vivís Mejor*” programme and it should strengthen state institutions that are in charge of supervising and ensuring compliance with internal legal labour protection provisions.

**C. Right to health, safety and social protection (Articles 9, 10 and 12):** Honduras is one of the countries in the world with the lowest social security coverage, at 16% to date. In terms of social security, Honduras has experienced one of the most severe economic crises of its history due to the recent corruption at the IHSS. The financial crisis caused by the IHSS due to irregularities in the previous administration has led to the infringement of the right to health and the delivery of essential services for rights-holders.<sup>20</sup> Health and sexual and reproductive rights policies are highly lacking, and impact directly on the enjoyment of all human rights, especially for women. Honduras has the second-highest teenage pregnancy rate in Latin America - 102 in

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<sup>18</sup> <http://elcomercio.pe/mundo/latinoamerica/mortal-costo-defender-medio-ambiente-honduras-noticia-1885369>

<sup>19</sup> Dirección General de Salarios. “Costo de la Canasta Básica de alimentos a nivel nacional en forma mensual según productos. Año 2001-2016 en Lempiras”. Tegucigalpa: Secretaría de Trabajo y Seguridad Social. November 2015. Available in Spanish at: [www.trabajo.gob.hn/organizacion/dgt-1/direccion-general-de-salarios/Canasta%20Basica%20Mensual%20Actualizado%20Noviembre%202015.pdf](http://www.trabajo.gob.hn/organizacion/dgt-1/direccion-general-de-salarios/Canasta%20Basica%20Mensual%20Actualizado%20Noviembre%202015.pdf)

<sup>20</sup> Comisionado Nacional de los Derechos Humanos. *Informe al Honorable Congreso Nacional de la República. Año 2014*. CONADEH. Tegucigalpa. March 2015, pp. 39-41 and 148-181.

every 100 thousand - with this figure even higher in rural areas. The use, promotion, sale and marketing of emergency contraceptives have been prohibited since October 2009,<sup>21</sup> immediately following the coup. Similarly, abortion is criminalised in all its forms and 5% of maternal deaths are linked to unsafe abortions.<sup>22</sup> In terms of HIV/AIDS, according to data from the Ministry of Health, 32,352 cases have been recorded since the first was reported in Honduras in 1985. As the National Human Rights Commissioner states, “stigma and discrimination in the workplace, schools and health centres are part of the ills that prevail against people with HIV in Honduras.”<sup>23</sup> We urge the Committee to recommend that the State strengthens mechanisms to protect and supervise labour conditions, especially for rural workers and other vulnerable groups, such as people living with HIV/AIDS and lactating mothers.

**D. Right to adequate food (Article 11.2):** According to the FAO and the Pan American Health Organisation (PAHO), 12.1% of the Honduran population are undernourished<sup>24</sup> and 1.4%, 5%, 10% and 31% of children under five years old suffer from acute malnutrition, obesity, global malnutrition and stunting, respectively.<sup>25</sup> Progress was made with the approval of a *Food and Nutritional Security Strategy and National Policy* in 2010<sup>26</sup> and a *Food and Nutritional Law* in 2011.<sup>27</sup> Nevertheless, both documents lack a human rights perspective and are limited to the creation of institutions, which have played a marginal role in public State actions. Proof of this is that the Technical Inter-Institutional Committee on Food and Nutritional Security (COTISAN) and the National Food and Nutrition Security Council (CONASAN) have not conducted any concrete activities. Since the law for the modernisation and development of the agricultural sector came into force in 1992,<sup>28</sup> there has clearly been a re-concentration of land ownership and commercial exploitation, especially in the Bajo Aguán Valley, to the north of the country. This has allowed land in the reformed sector to be passed over to agro-industry, at the expense of small-scale peasant farmers. Moreover, governmental loans have further deepened this situation of inequality in access to productive resources. The Trust Fund for the Reactivation of the Agricultural Sector (FIRSA), despite having been inaugurated under the premise that it would bring funds to the dry belt (drought-affected municipalities dedicated mainly to cultivating basic cereals), has in fact mainly been distributed to agro-industries of monocultures and enclosed livestock farming.<sup>29</sup> These activities are a world away from those of peasant communities. Furthermore, within the framework of the extractivist development model that is promoted by the State, and as part of the set of laws and constitutional reforms approved in 2013 and 2014 to encourage industrial and agricultural “development”, a constitutional reform was passed, giving rise to the *Special Employment and Development Areas (ZEDE)*, also known as “Charter Cities” (*Ciudades Modelo* in Spanish). In accordance with this organic law, these must be established in

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<sup>21</sup> On October 21, 2009, the Ministry of Health published Ministerial Agreement 2744, which stated that the use, advertising, sale and marketing of emergency contraceptives are prohibited, as well as the paid or free distribution and commercialisation of emergency contraceptives in pharmacies, drugstores or through any other means.

<sup>22</sup> Observatorio Derechos Humanos de las Mujeres. Centro de Derechos de las Mujeres. 2015.

<sup>23</sup> “Estigma y discriminación son males que prevalecen contra personas con VIH”. 1 December 2014. Available in Spanish at: [www.conadeh.hn/?p=509](http://www.conadeh.hn/?p=509)

<sup>24</sup> Organización de las Naciones Unidas para la Alimentación y la Agricultura. *Panorama de la Seguridad Alimentaria y Nutricional en Centroamérica y República Dominicana*. FAO: Ciudad de Panamá. 2014

<sup>25</sup> Organización Panamericana de la Salud e Instituto de Nutrición de Centroamérica y Panamá. *Perfil nutricional de los hogares en los municipios del corredor seco de Honduras 2010*. OPS. INCAP: Tegucigalpa, Honduras. December 2011.

<sup>26</sup> *Executive Decree PCM-038-2010*, 24 August 2010.

<sup>27</sup> *Legislative Decree 25-2011*, July 2011.

<sup>28</sup> *Legislative Decree 31-92*.

<sup>29</sup> “Más de mil millones se invirtieron en sector agrícola con fondos FIRSA”. *Tiempo*. 22 February 2016. “Después de la cosecha de primera de 2014, donde se estima que se perdió el 70% de los cultivos de maíz y el 45% del cultivo de frijoles, se activa el Fondo para la Reactivación del Sector Agrícola (FIRSA), con la colocación de L. 1,500 millones (alrededor de \$ 66 millones) en créditos blandos para el sector agropecuario”. Available in Spanish at: [www.tiempo.hn/mas-de-mil-millones-de-lempiras-se-invirtieron-en-sector-agricola-con-fondos-firsa/](http://www.tiempo.hn/mas-de-mil-millones-de-lempiras-se-invirtieron-en-sector-agricola-con-fondos-firsa/) “Fondos FIRSA comprometidos en un 73% con productores”. *El Heraldo*. 13 April 2015. “El 58% de este fondo se ha colocado en agroindustrias de monocultivos (palma africana) y ganadería, mientras que para el sector de granos básicos únicamente se ha colocado el 0.0000000025% del fondo”.

underpopulated zones, and are thus being built on ancestral lands and in Garifuna villages. Considering the delicate issues around land tenure in Honduras, the Charter Cities affect the right to food and nutrition of indigenous peoples, Garifunas and peasant communities by stripping them of their means of access to be able to feed themselves. We urge the Committee to recommend that the State initiate a land reform in line with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests; reform the *Framework Law on Food Security and Nutrition* so as to integrate a human rights approach; and strengthen the institutions in charge of agrarian affairs and food security and nutrition.

The human rights situation for some of the more vulnerable population groups facing greater marginalisation due to their defence of human rights and/or on the grounds of race, colour, gender, language, political opinion, economic standing and other social conditions, contravening the principle of non-discrimination and gender equality enshrined in Articles 2.1 and 3 of the ICESCR, are outlined below:

**E. Situation of ESCR defenders:** Those who defend the environment, land and food and nutrition rights are often victims of criminalisation, harassment and violence for their work in defending human rights. On 2 March of this year,<sup>30</sup> the murder of Berta Cáceres, recognised Lenca indigenous leader, defender of human rights and general coordinator of the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH), prompted national and international repudiation and indignation<sup>31</sup>. Within two weeks another member of COPINH, Nelson Noé García, was murdered. Both had precautionary measures in place from the Inter-American Commission on Human Rights (IACHR). Unfortunately, these are not isolated cases given that Honduras is one of the most dangerous places in the world for human rights defenders.<sup>32</sup> This demonstrates that the mechanisms available in Honduras for their protection do not suffice. The overwhelming majority of the cases go unpunished. In this context, it is worth highlighting that the *Law for the Protection of Human Rights Defenders, Journalists, Social Workers and Justice Operators in Honduras* was passed in 2015. However, the law has still not been regulated, despite the deadline indicated in the law itself for the approval of its regulation having expired. An external consultancy organisation has been hired for its drafting,<sup>33</sup> but the procedure for the participation of civil society has been cumbersome and unclear. The law contains certain aspects that must be dealt with and developed by the regulation, including protection measures. The law establishes a four-week period in which to perform a risk assessment, which can be too long for a person who may be in potential danger. The law also lacks administrative or disciplinary sanctions for public civil servants who do not comply with the stipulations established therein, and is restricted to imposing criminal sanctions.<sup>34</sup> Lastly, the law is not currently considered an effective instrument in that it has not been allocated a specific budget for the implementation of protection measures. We urge the Committee to recommend that the State increase the effectiveness of protection measures as well as the criminal investigation and prosecution of all forms of aggression against human rights defenders, while also prioritising the investigation into, prosecution and conviction of human rights violations linked to the defence of territories, natural wealth and resources.

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<sup>30</sup> Please note that several sources have mentioned both 2 March and 3 March as the date that she was murdered. Organisations close to the leader state that 2 March is the right date.

<sup>31</sup> Comisión Interamericana de Derechos Humanos. *CIDH repudia asesinato de Berta Cáceres en Honduras*. Washington, D.C. 4 March 2016. Available in Spanish at: [www.oas.org/es/cidh/prensa/comunicados/2016/024.asp](http://www.oas.org/es/cidh/prensa/comunicados/2016/024.asp)

<sup>32</sup> Michel Forst, UN Special Rapporteur on human rights defenders: "Honduras is one of the most dangerous places in the world for defenders of human rights". 18 March 2016. Available in Spanish at: [www.unmultimedia.org/radio/spanish/2016/03/honduras-es-uno-de-los-paises-mas-peligrosos-del-mundo-para-los-defensores-de-derechos-humanos/#.VvwJR-LhDIU](http://www.unmultimedia.org/radio/spanish/2016/03/honduras-es-uno-de-los-paises-mas-peligrosos-del-mundo-para-los-defensores-de-derechos-humanos/#.VvwJR-LhDIU)

<sup>33</sup> Freedom House International.

<sup>34</sup> Protection International, CEJIL. *Observaciones a la Ley de Protección para las y los Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia*. Available at: [focus.protectioninternational.org/files/2015/07/An%C3%A1lisis-ley-de-protecci%C3%B3n-para-defensores-ascomunicado1.pdf](http://focus.protectioninternational.org/files/2015/07/An%C3%A1lisis-ley-de-protecci%C3%B3n-para-defensores-ascomunicado1.pdf)

The Public Prosecutor's Office should be provided with sufficient staff and financial resources to be able to address the delays in the dispensation of justice.

**F. Peasants:** In their first evaluation of the report by the State of Honduras in 2001, the Committee on Economic, Social and Cultural Rights already voiced its concern for cases of forced evictions, especially of peasant communities and indigenous peoples.<sup>35</sup> The agrarian conflict of Bajo Aguán<sup>36</sup> illustrates this situation well. This conflict, concerning the struggle of various peasant communities to access and recover lands illegally acquired by landowners in the area, has drawn international attention for being one of the most serious in terms of violence against peasant communities in Central America in the last fifteen years. The heaviest period of violence occurred in the early aftermath of the coup. In 2010 and 2011 alone, 25 deaths were recorded in relation to the agricultural conflict (23 peasants and a journalist and companion). FIAN Honduras recorded 19 forced evictions between January 2010 and September 2015. The peculiarity of these evictions is the participation of the National Police, the Armed Forces and the security guards of private companies processing palm oil in the region.<sup>37</sup> The Bajo Aguán case is also emblematic of the role played by foreign investment and development banks in human rights abuses and in the deterioration of food sovereignty in Honduras.<sup>38</sup> We urge the Committee to recommend that the State adopt a resettlement protocol that regulates proceedings for those working for the justice system in cases of forced evictions and to ensure sustainable livelihoods for evicted peoples. The State should also guarantee the permanent, equal and open participation of peasants from Bajo Aguán in a process to find solutions to the agrarian conflict in Bajo Aguán.

**G. Tolupán indigenous peoples:** The reality for the Tolupán indigenous peoples in terms of their economy, education and health is critical, unfair and challenging. In 2001 the PAHO estimated that the average monthly income of the indigenous population in Honduras was 1,000 lempiras (approx. US \$45); however, in Tolupán communities this was 300 lempiras (approx. US \$13), which means that during periods of shortages many families depend on gathering roots, wild fruit, hunting and fishing for their subsistence.<sup>39</sup> Life expectancy for the indigenous peoples of Honduras is 36 years old for women and 43 years old for men,<sup>40</sup> far below the national average, which is 72.47 years old for women and 69.03 for men.<sup>41</sup> Some 95% of the indigenous population under the age of 14 suffers from malnutrition.<sup>42</sup> The PAHO has also recorded high levels of Chagas disease and acute respiratory infections, especially tuberculosis, among the Tolupán people.<sup>43</sup> The majority have primary schools, however, most only have one teacher, insufficient educational materials and children usually do not attend towards the end of the year due to having to help their parents with the coffee harvest.<sup>44</sup> We urge the Committee to recommend that the State adopt measures to halt the granting of mining and hydroelectric concessions and forest management plans as well as the introduction of genetically

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<sup>35</sup> Comité de Derechos Económicos, Sociales y Culturales. *Examen de los Informes Presentados por los Estados Partes de Conformidad con los Artículos 16 y 17 del Pacto. Observaciones finales del Comité de Derechos Económicos, Sociales y Culturales. Honduras... op. cit.*, paragraph. 23, p. 3.

<sup>36</sup> Bajo Aguán is located in the North of Honduras, in the Colon Department.

<sup>37</sup> FIAN Honduras. *El papel de los operadores de justicia en la violación de derechos humanos en el Bajo Aguán*. Forthcoming May 2016.

<sup>38</sup> FIAN. *Banco Público Alemán Retira su Financiamiento del Bajo Aguán*. Available in Spanish at: <http://www.fian.org/es/noticias/articulo/honduras-violaciones-de-derechos-humanos-banco-publico-aleman-retira-financiamiento/>

<sup>39</sup> OPS (2001). *Salud de los pueblos indígenas y negros de Honduras. Interculturalidad y procesos de convergencia nacional*. P 10.

<sup>40</sup> OPS (1998). *La Salud en las Américas*. Vol. II. OPS/OMS. Washington, D.C.

<sup>41</sup> <http://www.indexmundi.com/es/honduras/expectativa-de-vida-al-nacer.html>

<sup>42</sup> OPS (2001). *Salud de los pueblos indígenas y negros de Honduras. Interculturalidad y procesos de convergencia nacional*. P 12.

<sup>43</sup> OPS (2001). *Salud de los pueblos indígenas y negros de Honduras. Interculturalidad y procesos de convergencia nacional*. P 11.

<sup>44</sup> Information provided by Rubén Martínez, elderly cacique of the Plan Grande tribe.

modified seeds in Tolupán territories. The State should revert all initiated processes in this respect and earmark sufficient funds for a real sustainable development plan to be carried out by the Tolupán people.

**H. Women:** Unemployment rates for women are twice as high as those for men, and women receive on average 67.6% in comparison to men's salaries.<sup>45</sup> Violence against women is systematic and structural; its impact manifests itself in various ways for women and girls, preventing them from exercising their civil, political, economic, social and cultural rights. The climate of fear in both the public and private sphere, and the lack of accountability for human rights violations against women is the rule, not the exception.<sup>46</sup> In the period between 2003 and 2015, some 5,411<sup>47</sup> women have suffered violent deaths in Honduras. Many women, before being murdered, disappear off the streets or are taken violently from their homes.<sup>48</sup> In only six years, reports of missing women rose from 91 in 2008 to 347 in 2013, an increase of 281%.<sup>49</sup> Between January and September 2014, the Public Prosecutor received 276 reports of missing women, of which 47% are girls aged between 14 and 18. Rape<sup>50</sup> is the third most reported crime in the country and is the most reported sexual crime against women (61.6%). According to estimates, the prevalence of sexual violence shot up from 4.6 in 2008 to 8.6 in 2010.<sup>51</sup> Between 2010 and 2014, some 15,833 incidents of sexual violence were reported,<sup>52</sup> of which barely 888 received sentencing.<sup>53</sup> This means that 94% of the cases go unpunished. In August 2015, the UN High Commissioner for Refugees (UNHCR) carried out 160 interviews with women from Honduras, El Salvador, Mexico and Guatemala who had arrived in the United States: 64% had suffered direct threats and attacks by armed criminal groups; 58% gave testimonies of sexual abuse and assaults; 85% said they lived in areas controlled by armed groups; and all of them declared they had received inefficient or no protection from the police or other government officials.<sup>54</sup> Within the framework of the second Universal Public Review (UPR) of Honduras, in 2015, 14 countries urged Honduras to ratify the Optional Protocol to the CEDAW; however, this was one of the recommendations that the country decided to observe and subsequently reject. We urge the Committee to ratify the CEDAW Optional Protocol and to devise and implement a comprehensive public policy on emergency contraceptives. We also urge the Committee to recommend that the State guarantee mechanisms for monitoring the activities of civil servants at all levels, so that they comply with provisions that aim to prevent, sanction and eradicate violence against women. The State should also devise and implement protocols for addressing and investigating femicide and the disappearance of women, to be carried out by a special prosecution service for women at the Public Prosecutor's Office.

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<sup>45</sup> Comisión Interamericana de Derechos Humanos. Situación de los Derechos Humanos en Honduras. OEA/Ser.L/V/II. Doc.42/15. Washington, D.C. 31 December 2015, paragraph. 404, p. 164

<sup>46</sup> Consejo de Derechos Humanos. *Informe Preliminar de la Visita a Honduras realizada por la Relatora Especial de la ONU sobre la Violencia contra las Mujeres*. 7 July 2014. Available in Spanish at: [www.hn.undp.org/content/honduras/es/home/presscenter/articles/2014/07/07/informe-preliminar-de-la-visita-a-honduras-realizada-por-la-relatora-especial-de-la-onu-sobre-la-violencia-contra-las-mujeres.html](http://www.hn.undp.org/content/honduras/es/home/presscenter/articles/2014/07/07/informe-preliminar-de-la-visita-a-honduras-realizada-por-la-relatora-especial-de-la-onu-sobre-la-violencia-contra-las-mujeres.html)

<sup>47</sup> Foro de Mujeres por la Vida. Observatorio Seguridad y Violencia de las Mujeres con fuentes del IUDPAS y CONADEH.

<sup>48</sup> Foro de Mujeres por la Vida. Observatorio violencia y seguridad de las mujeres.

<sup>49</sup> Report submitted by feminist organisations to the UN Special Rapporteur on Violence against Women, its Causes and Consequences during her visit to Honduras between 1 and 8 August 2014. Centro de Derechos de Mujeres. *Honduras. Las mujeres y los mecanismos internacionales de observancia de los derechos humanos*. Honduras. (2015). Annex 1, pp. 9-13. Available at: [www.derechosdelamujer.org/tl/files/documentos/derechos\\_humanos/Mecanismos%20internacionales%20DDHH.pdf](http://www.derechosdelamujer.org/tl/files/documentos/derechos_humanos/Mecanismos%20internacionales%20DDHH.pdf)

<sup>50</sup> Decree 144-83. Article 140. Honduras Criminal Code..

<sup>51</sup> Sistema Regional de Indicadores Estandarizados de Convivencia y Seguridad Ciudadana.

<sup>52</sup> Calculation made by the Womens' Rights Centre (Centro de Derechos de Mujeres) based on complaints filed nationally. Observatorio Estadístico del Ministerio Público.

<sup>53</sup> Calculation made by Womens' Rights Centre (Centro de Derechos de Mujeres) based on information from Centro Electrónico de Documentación e Información Judicial (CEDIJ).

<sup>54</sup> UNHCR. *Mujeres en Fuga*.

**I. LGBTI Community:** In general, the Honduran educational system lacks a basic focus on the subject of human rights in educational curricula. There is also great ignorance of sexual orientation and gender identity which does not allow for a comprehensive approach and perpetuates an exclusive, heteronormative, sexist and patriarchal system. In several of the country's cities information has been obtained on cases of discrimination in public and private education centres towards LGBTI people who were victims of violence, bullying, exclusion, homophobic slurs against children and teenagers with a different sexual orientation or expression of gender to the heterosexual type. Access to dignified attention without stigma or discrimination in health centres and public hospitals is extremely hard to come by for the LGBTI people. There are no care protocols or regulations in place for the psychological, mental and physical care of this population, even when it has been proven that pandemics such as HIV are concentrated in these populations. This situation affects the LGBTI community's access to education and health, thus violating the principle of non-discrimination enshrined in Article 2.1 of the ICESCR. We urge the Committee to recommend that the State devise and implement inclusive LGBTI laws and policies in line with the rights set out in the ICESCR and ILO conventions, and ban discrimination, which violates the LGBTI community's rights to work, health, social security and education.