



## Economic and Social Council

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### Committee on Economic, Social and Cultural Rights

#### List of issues in relation to the second periodic report of Honduras\*

##### I. General information

1. Please provide information on specific instances in case law in which rights protected under the Covenant have been invoked in Honduran courts and directly cited as a basis for judicial decisions. Please also report on the steps taken to raise awareness of the economic, social and cultural rights set forth in the Covenant among the public at large and, in particular, among members of the judiciary.
2. Please provide information on the steps taken to counteract the adverse effects that the high level of violence and the lack of public security, which are in large part attributable to gang activity, have on the effective exercise of economic, social and cultural rights, especially by the most disadvantaged and marginalized individuals and groups, such as children and adolescents, women, indigenous peoples and Hondurans of African descent.
3. Please provide information on the steps taken to protect defenders of economic, social and cultural rights from harassment, threats and all forms of violence, including attempts on their lives and attempts to inflict bodily harm. Please also provide information on investigations that have been conducted into such acts and on their outcomes.

##### Article 1, paragraph 2: Right to freely dispose of natural wealth and resources

4. In the light of the information provided in paragraph 10 of the State party's report, please indicate whether the national mechanism for prior consultation is now in operation and how the State party guarantees the right of indigenous peoples to prior consultation with a view to obtaining their prior, free and informed consent in respect of decision-making processes that may affect their ability to exercise their economic, social and cultural rights. Please also provide examples of how prior, free and informed consent has been obtained when the granting of concessions and the implementation of investment projects have involved the awarding of contracts for the exploitation of natural resources.

\* Adopted by the pre-sessional working group at its fifty-sixth session (12-16 October 2015).



## **II. Issues relating to general provisions of the Covenant (arts. 1-5)**

### **Article 2, paragraph 1: Obligation to undertake steps up to the maximum of available resources**

5. Please provide updated information on any legislative or other measures that have been adopted in order to prevent and combat corruption and its adverse effects on the enjoyment of economic, social and cultural rights. Please also provide information on the results of those measures. In addition, please furnish information on the number of reports of corruption filed in the past five years, the investigations undertaken and the percentage of such reports that have led to convictions. Please also indicate what sort of protection is provided to persons who report cases of corruption.

### **Article 2, paragraph 2: Non-discrimination**

6. Please indicate whether the State party plans to adopt a comprehensive anti-discrimination law in line with article 2 of the Covenant. Please also provide further information about the measures adopted to combat discrimination, in particular discrimination against indigenous peoples, persons of African descent, persons with disabilities or persons with HIV/AIDS, and also discrimination based on gender identity and/or sexual orientation, with specific regard to the exercise of economic, social and cultural rights and especially in terms of access to employment, education and health services.

7. Please provide information on the steps taken to facilitate the reintegration of repatriated Honduran migrants into society, particularly with respect to access to employment and education.

### **Article 3: Equal rights of men and women**

8. Please provide information on the specific results in terms of women's enjoyment of their economic, social and cultural rights that have been obtained as a consequence of the implementation of the Second Gender Equality and Equity Plan 2010-2020.

9. Please also provide information on the impact of the Programme for Working Women and of other steps taken to do away with vertical and horizontal gender-based segregation in the labour market and to eliminate the differences in the wages paid to men and women. Please furnish statistical information in this connection.

## **III. Issues relating to specific provisions of the Covenant (arts. 6-15)**

### **Article 6: Right to work**

10. Please provide updated information about the steps taken to lower the country's high underemployment rates and to deal with the informal economy, and about the results of those efforts. Please also provide updated information on employment and underemployment rates, disaggregated by age, sex, ethnic or national origin and urban/rural area of residence.

11. Please provide information on the results and impact of the Act on Equity and Comprehensive Development for Persons with Disabilities and the Public Policy on the Rights and Social Inclusion of Persons with Disabilities. Please indicate how the State party has succeeded in raising the labour force participation rate of persons with disabilities and in improving their working conditions and capacity for work.

### **Article 7: Right to just and favourable conditions of work**

12. Please provide information on the steps taken to improve working conditions for women employed in in-bond assembly (*maquila*) plants and for the lobster divers of Mosquitia. Please also provide information on the results of those measures and indicate whether they include systematic labour inspections. Please indicate whether the State party has undertaken investigations into reports that companies that run in-bond assembly plants have committed violations of the right to health and the right to work and, if so, what penalties have been imposed.

13. Please indicate whether the State party has a national policy on occupational health and safety that provides for the protection of all workers in all sectors of the economy. Please also provide information on the steps taken by the State party to ensure the effective, untrammelled operation of the labour inspection system and on the human, technical and material resources assigned to the General Labour Inspectorate. Please also indicate how many inspections have been conducted in the past two years and report on the outcomes of those inspections and on any penalties imposed.

14. Please explain in greater detail how the State party sets the minimum wage, how the level of that wage is reviewed and whether it is sufficient to provide workers and their families with a decent living.

### **Article 8: Trade union rights**

15. Please provide further information about the way in which the right to form trade unions and the right to strike are recognized in the laws of the State party and about the safeguards that are in place to ensure that those rights can be exercised without restrictions and without the threat of reprisals. Please indicate what specific steps have been taken by the State party to address labour rights violations, including assaults, threats and attacks targeting trade union leaders and members, what investigations have been conducted and what results they have produced.

16. Please clarify the statement in paragraph 65 of the State party's report that "unionized workers account for a minority of the economically active population and of wage earners as a whole" and indicate what steps the State party has taken to address the situation.

### **Article 9: Right to social security**

17. Please indicate how the Social Protection Policy mentioned in the State party's report will expand social security coverage in the State party and whether or not consideration has been given to creating non-contributory social security programmes. Please also explain how access is provided to a minimum essential level of benefits that is sufficient to secure essential health care, basic shelter and housing, water and sanitation, foodstuffs and the most basic forms of education.

### **Article 10: Protection of the family, mothers and children**

18. Please provide information about the steps taken by the State party to ensure that all women are accorded special protection during and following pregnancy and that working mothers are accorded paid leave or leave with adequate social security benefits.

19. Please provide updated information, including disaggregated statistics, on child labour in the State party and on the steps taken to protect children from dangerous work that is harmful to their health, including work carried out in a domestic setting. Please also provide information on the specific steps taken by the State party to protect children, particularly girls, from exposure to various types of violence and exploitation.

20. Please provide information on the steps taken by the State party to combat domestic violence and violence against women. Please provide information on access to justice and on the protection and support services made available to victims of violence. Please indicate how many cases have been investigated and prosecuted, and what penalties have been imposed on the responsible parties. Please state whether or not campaigns are conducted to heighten the general public's awareness of the negative effects of domestic violence.

### **Article 11: Right to an adequate standard of living**

21. Please provide disaggregated statistics on the poverty rate in the State party and information on the results of the anti-poverty measures that have been implemented, including, in particular, the Social Protection Policy and the Poverty Reduction Strategy mentioned in paragraph 124 of the State party's report. Please explain how these measures have helped reduce poverty, particularly among indigenous peoples, persons of African descent and other disadvantaged and marginalized groups.

22. Please provide information on the steps taken by the State party to resolve issues relating to land tenure and to guarantee protection of the rights of smallholders. Please advise, in particular, about the measures adopted to settle the agrarian conflict in the Lower Aguán Valley and to ensure that the people living in that region have access to adequate food, drinking water and other services such as education and health care. Please provide information on the steps taken to protect peasant farmers and their family members from forced evictions and other acts of violence.

23. Please provide updated statistics on the implementation of the National Policy and Strategy on Food and Nutrition Security, particularly in relation to reductions in the levels of malnutrition and undernutrition in the State party. Please also explain how it has helped ensure access to an adequate food supply.

24. Please provide information on the specific steps that have been taken to ensure that agro-industrial, tourism, mining and hydropower projects do not have a negative impact on the environment or impair the enjoyment of economic, social and cultural rights, particularly on the part of indigenous peoples and Afro-descendent communities. Please also report on the steps taken to ensure the availability of drinking water in the northern region of the State party, where the African palm is extensively cultivated.

25. Please provide information on the steps taken by the State party to ensure that persons deprived of their liberty have an adequate standard of living.

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## **Article 12: Right to physical and mental health**

26. Please provide information on the results of the implementation of the National Health Plan mentioned in paragraph 100 of the State party's report and explain how the Plan has helped ensure the accessibility, availability and quality of health services in the State party, especially in rural and remote areas.

27. Please report on the steps taken by the State party to ensure the availability and accessibility of sexual and reproductive health information and services, including emergency contraception, particularly for adolescents in all regions of the country. Please also indicate the rate of teenage pregnancy in the State party and report on any sexual and reproductive health awareness campaigns and educational programmes that have been conducted for the benefit of adolescents.

28. Please provide information on the steps taken by the State party to prevent the spread of HIV/AIDS and mother-to-child transmission of HIV, and to ensure the availability and accessibility of antiretroviral therapy.

## **Articles 13 and 14: Right to education**

29. Please provide information on the percentage of the budget allocated to education in the last five years and on the steps taken by the State party to ensure the accessibility and availability of primary education, particularly in rural areas, with a view to providing greater equality in terms of indigenous and Afro-descendent children's access to education. Please also provide information on the steps taken to reduce levels of illiteracy, particularly among indigenous and Afro-Honduran peoples.

30. Please provide information on the specific steps that have been taken to increase secondary school enrolment and lower the secondary school dropout rate, particularly in rural areas where a large number of indigenous people live.

31. Please provide further information on the implementation of the Guardians of the Nation programme and explain how the State party makes sure that the programme is consistent with the principles set forth in article 13, paragraph 1, of the Covenant.

## **Article 15: Cultural rights**

32. Please provide information about the specific steps that have been taken to preserve the country's cultural diversity, to foster an awareness of the cultural heritage of indigenous peoples and to create conditions that are conducive to the conservation, development, expression and dissemination of their identity, history, culture, languages, traditions and customs.

33. Please indicate what steps the State party has taken to guarantee affordable access to the Internet for disadvantaged and marginalized individuals and groups, particularly in rural areas.