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

List of issues in relation to the second periodic report of Honduras

Addendum

Replies of Honduras to the list of issues*

[Date received: 18 April 2017]

* The present document is being issued without formal editing.



Introduction

1. The Government of Honduras submitted its second periodic report under the International Covenant on Civil and Political Rights (CCPR/C/HND/2) to the Human Rights Committee on 21 October 2015.
2. The present document constitutes the response of the State party to the list of issues (CCPR/C/HND/Q/2) in relation to that report, as sent by the Committee. The drafting of these replies was coordinated by the Ministry of Human Rights, Justice, the Interior and Decentralization through requests directed to the institutional contacts of the Special Response Group on Human Rights during February and March.

Constitutional and legal framework within which the Covenant is implemented (art. 2)

3. With regard to the question raised in paragraph 1 of the list of issues, the Supreme Court of Justice applies the Covenant in the various national courts. For example, the Constitutional Chamber of the Supreme Court issued a judgment on 8 January 2016 on Administrative Amparo Case No. 792 and 819-2014.
4. Regarding paragraph 2 (a), the Office of the National Commissioner for Human Rights has been seeking re-accreditation as an “A” status body since 2014. In 2016, the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions decided to maintain its “B” status — a decision which has been challenged. In 2015, the Office received a 15 per cent increase in its budget.
5. In accordance with the action plan entitled “Vanguardia de la Dignidad Human” (At the Forefront of Human Dignity), in September 2015 the Office of the National Commissioner for Human Rights and the Inter-American Court of Human Rights signed an agreement to coordinate efforts, to strengthen their ties, to deepen knowledge of the law and to disseminate international instruments for the promotion and defence of human rights.
6. The selection of the Ombudsman took place in a transparent and participatory manner. The National Congress created a special commission composed of representatives from the seven political parties and tasked it with holding public hearings and considering the selection of a candidate.
7. With reference to subparagraph (b), measures for the effective implementation of the Public Policy and National Plan of Action on Human Rights included an evaluation carried out with the support of the European Union in January 2017 and the incorporation of the human rights-based approach into local planning in 12 municipalities. In September 2016 a forum for dialogue was established between the State and 28 human rights organizations to ensure the participation of civil society organizations in the implementation of the National Human Rights Action Plan.
8. In relation to subparagraph (d), the following activities have been carried out to promote the National Policy on Women:
 - (a) Signing of inter-agency and cooperation agreements, with amendments to the general provisions of the national budget;
 - (b) In 2016 and 2017, campaigns have been conducted to prevent violence against women, to promote social and political participation and to promote and disseminate rules on gender-sensitive budgeting;
 - (c) Training for 170 representatives of municipal offices for women;
 - (d) Specialized certificate programmes in gender, public policy and local development, aimed at 90 representatives of municipal offices for women;
 - (e) Awareness-raising and training initiatives, focusing on the 30 municipalities with Municipal Observatories on Coexistence and Citizen Security;

(f) Training delivered to the national police, the Supreme Court, the Ministry of Defence, the Ministry of Labour and Social Security, hotels, the Public Prosecution Service, the Ministry of Education, the gender units created in State institutions, civil society institutions, the Ministry of Health, the National Congress and mayors' offices;

(g) Training programmes with the Honduran Private Enterprise Council and the Ministry of Labour and Social Security.

9. In regard to paragraph 3, the Amnesty Decree has not hindered the conduct of investigations or prosecutions in relation to human rights violations.

Non-discrimination and equality (arts. 2, 3, 9, 17, 26 and 27)

10. Concerning paragraph 4, the Supreme Electoral Tribunal approved regulations for the implementation of the principle of parity and a mechanism for alternation in the political participation of women and men in electoral processes.¹

11. The National Institute for Women was allocated a budget of 22,519,584 lempiras.²

12. The National Congress, through Legislative Decree No. 31-2015, amended articles 30, 39, 68 and 70 of the Family Code, thereby establishing that in event of divorce, property shall be divided in equal parts.

13. In 2016, consultations were held with a view to harmonizing the Equal Opportunities for Women Act and the Family Code with international standards.

14. In respect of paragraph 5, the following steps have been taken:

(a) Adoption of Executive Decree No. PCM-027-2016 on the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples, which had been drafted with the participation of nine indigenous and Afro-Honduran peoples.

(b) Implementation by the Public Prosecution Service of a manual on investigative procedures in cases of violations of the rights of indigenous peoples. In 2015, all prosecutors' offices were trained in how to apply the manual so as to ensure access to justice for indigenous peoples.

(c) Application of the Special Regulations on the Organization and Operation of the Directorate General of the Attorney General's Office, which establish the special principles of recognition and protection of the cultural diversity of indigenous groups.

(d) Reform of the HIV/AIDS Act through Legislative Decree No. 25-2015. New provisions relate to: exemption from the payment of recovery fees for antiretroviral medications and from any other charges for services provided; right to access and remain in work or education; right to adoption; and administrative, civil and criminal penalties for violations of the Act, including delays in the provision of care.

(e) Adoption of the Public Policy for the Exercise of the Rights of Persons with Disabilities and their Social Inclusion and the Strategic Plan for the Exercise of the Rights of Persons with Disabilities 2014 -2017.

(f) Proposal of a bill on inclusive development for persons with disabilities, which draws on observations made by the Office of the United Nations High Commissioner for Human Rights (OHCHR), and a bill on the sheltered employment regime for persons with disabilities.

(g) Adoption in December 2016 of a guide to the provision of health services free of stigma and discrimination for members of the LGBTI community and persons living with HIV.

¹ Adopted pursuant to Agreement No. 03-2016 of 5 September 2016.

² See: http://www.sefin.gob.hn/wp-content/uploads/Presupuesto/2017/aprobado/Descentralizadas/R00822905_512.pdf. Consulted on 3 April 2017.

(h) The Office of the Special Prosecutor for Human Rights receives complaints based on article 321 of the Criminal Code.

15. With regard to paragraph 6, the National Congress is holding discussions with civil society organizations and OHCHR and on a new draft Criminal Code.

Violence against women (arts. 3 and 7)

16. As regards paragraph 7, the following actions have been taken:

(a) In March 2017 in Tegucigalpa, the Office of the First Lady launched the “Women’s City for a Better Life” programme in coordination with 15 public institutions. The programme, which aims to boost labour inclusion and reduce violence, teenage pregnancy and child and infant mortality, will be extended to other municipalities where most of the Honduran population is concentrated;

(b) The National Institute for Women and the Ministry of Security are working to mainstream the human rights-based approach and gender equity in the compulsory police curriculum, with special emphasis on prevention and non-revictimization in cases of human trafficking, domestic violence and femicide.

17. As to the number of deaths, in 2015 prosecutors filed 29 actions for femicide and 10 for attempted femicide, resulting in 41 judgments. There were 282 cases of corpse recovery.

18. In 2015, the Supreme Court recorded that 1,772 cases of intra-family violence were filed. In addition, 19,170 complaints of domestic violence were received, including 4,900 by the special domestic violence court. The complaint was upheld in 1,906 of those cases.

19. In response to subparagraphs (b), (c), (d) and (e), the Public Prosecution Service has:

(a) Developed its Strategic Plan 2015-2022 as an instrument for guiding anti-crime policy, resulting in consolidated and effective action on crime that ensures prompt investigation, among other aspects;

(b) Issued Agreement No. FGR-15-2015 on the Specialized Comprehensive Care Model which regulates the nationwide use of Gesell chambers and ensures that specialized and multidisciplinary personnel, including prosecutors, social workers, psychologists and forensic physicians are available to provide comprehensive personalized care for victims;

(c) Devised training on gender and violence for justice officials, the Ministry of Health, the Ministry of Education and the Ministry of Security, as well as for communities and civil society organizations.

Right to life and security of person and prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 2, 6, 7, 9 and 24)

20. The following actions have been taken in respect of paragraph 8:

(a) Implementation of the Gang Resistance Education and Training (GREAT) programme benefiting more than 140,000 children and adolescents in 348 educational centres across 14 departments;

(b) Development of prevention programmes such as “Honduras Joven” (Young Honduras), “Por mi Barrio” (For My Neighbourhood) and “Mi Segunda Oportunidad” (My Second Chance) in conjunction with the Chamber of Commerce of Tegucigalpa, in which seed capital is provided for young people. In 2016, 15 new youth outreach centres were opened and 46 were equipped with computer rooms, classrooms, recreation areas and gyms. These centres cater for over 30,000 children and adolescents on a permanent basis;

(c) Investment of 64 million lempiras in 61 youth outreach centres;

(d) Creation of the National Anti-Extortion Force;

(e) Inclusion of community and human rights approaches in the curriculum of the Police Technological Institute.

21. As a result, Honduras has moved up 12 places in the Global Peace Index country ranking, while the murder rate has decreased by 30 per cent since 2011.
22. The National Congress is currently preparing an opinion on a bill on arms, munitions, explosives and similar materials and will also consider a bill on private security services.
23. With regard to paragraph 9, abortion is the third leading cause of discharge from hospital. As a result, initiatives continue to be developed in order to ensure the quality of post-abortion care.³
24. There were 3,356 recorded abortions in Honduras in 2014. In 2015, the Ministry of Health reported that girls and women aged 9-19 years accounted for 2,753 abortion-related discharges from hospital.
25. In 2015, the Ministry of Health reported that it had provided delivery care for 33,035 births in adolescents aged 10-19 years, equivalent to 21 per cent of births in health institutions.
26. The 2011-2012 national population and health survey revealed that 16.3 per cent of the adolescent population reported use of contraceptives. Of these, 37 per cent of adolescent girls aged 15-19 years reported using male condoms; 26 per cent of girls of the same age used the contraceptive injection — their preferred method.
27. Overall contraceptive use increased by 8 percentage points from 65.2 per cent to 73.2 per cent between 2005 and 2012. Preferences among adolescent girls were reported to have shifted from oral to injectable contraceptive methods.
28. The National Sexual and Reproductive Health Policy has been implemented since 2016.
29. The Ministry of Education has developed the guide *Taking Care of My Health and My Life* and the “School for Parents” guide on comprehensive sex education, both of which are used in training activities for teachers, students and parents and which cover topics such as sexuality, sexually transmitted infections, adolescent pregnancy, responsible parenthood and contraceptive methods. There are currently 22,750 teachers certified to teach the comprehensive education course using these guides in 1,055 primary education centres; 17,672 students have benefited. The “School for Parents” programme was implemented in 629 schools in the west of the country.
30. The Office of the First Lady promotes activities for the prevention of pregnancy in girls and adolescents. A total of 58 clinics currently provide comprehensive care for adolescents.
31. In 2014, the Government invested 20,486,029.08 lempiras in the purchase of contraceptives. In 2015, it negotiated a purchase in the amount of 37,129,769.10 lempiras through the United Nations Population Fund (UNFPA), ultimately benefiting 136,474 couples in 2015 and 195,363 couples in 2016.
32. In respect of paragraph 10, the National Directorate for Children and the Family works with protection guidelines to identify returned or repatriated children and adolescents with special protection needs, including those who have belonged to youth gangs or criminal groups. It has been implementing those guidelines for more than 18 months and has improved the social services and care provided to 12 per cent of all children and adolescents.
33. Concerning the military courts, article 91 of the Constitution provides that “where a major or minor military offence involves a civilian or former military personnel, the competent ordinary court shall try the case”. Active personnel who have committed an unlawful act are referred to the competent authorities. Courts of National Jurisdiction have been created to try ordinary offences committed by members of the military police.

³ According to information provided by the Ministry of Health.

34. The Public Prosecution Service created a unit for the investigation of disappearances in the Office of the Special Prosecutor for Human Rights, which is governed by article 217 of the Regulations of the Directorate General of the Attorney General's Office. As at August 2016, the Office had recorded 51 cases concerning disappearances, with potential victims including 50 men and 8 women.

35. As regards paragraph 11, the Inter-Agency Commission for the Protection of Persons Displaced by Violence, established pursuant to Executive Decree No. PCM-053-2013, is composed of the representatives of 10 government institutions and 5 civil society organizations and is coordinated by the Ministry of Human Rights, Justice, the Interior and Decentralization. Its aim is to generate policies and measures for prevention and for the assistance and protection of persons displaced by violence. Following his visit to Honduras, the former Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, welcomed the recognition of the problem of internal displacement in the country.⁴

36. The report *Caracterización del Desplazamiento Interno en Honduras* (Internal Displacement in Honduras) was published in 2015 with the support of civil society organizations and international organizations. It found that 41,000 households and 174,000 individuals had been displaced between 2004 and 2014. Of the total, 51 per cent of internally displaced persons were female and 49 per cent male. Of the latter, 43 per cent were children or adolescents. Moreover, 51 per cent of those interviewed stated that they had been displaced by insecurity in their community, while 49 per cent stated they had suffered directly from acts of victimization.

37. The Inter-Agency Commission is designing a protection road map that would involve the competent authorities in the areas of prevention, protection and assistance, as well as human rights and humanitarian organizations present in the country.

38. In addition, since 2016 the Commission had been working on a legal framework for protection as part of the State's efforts to implement the recommendations of the former Special Rapporteur; more than 26 public institutions, civil society organizations, humanitarian actors and the Inter-American Commission on Human Rights have participated in the process. At present, the framework is still at the stage prior to dissemination in communities and among displaced persons, after which it will be submitted to the National Congress. Moreover, advocacy meetings have been held with the National Congress with a view to including displacement by violence as an offence in the new draft Criminal Code.

39. In 2016, a unit on internal displacement by violence was established within the Office of the National Commissioner for Human Rights. Of the 2,047 complaints it has received, 47 complaints, or 2.3 per cent, referred to cases of forced displacement. In these cases, 64 per cent of the victims were women; the remainder were children, men, older persons, persons with disabilities and members of the LGBTI community.

40. Regarding paragraph 12, the Supreme Court recorded 10 cases of torture in 2014 and 5 cases in 2015. In 2016, the Office of the Special Prosecutor for Human Rights received 10 complaints of torture, 2 of ill-treatment and 105 of excessive use of force, 1 of which was brought against a military police officer; in 2017, 4 complaints were filed for torture, 2 for ill-treatment and 22 for excessive use of force. Thirty-six investigations were conducted into those complaints in 2016 and 16 in 2017.

41. According to the 2015 annual report of the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment, 157 visits were made to correctional facilities, including 113 to prisons and 44 to pretrial detention centres. Fifty visits were conducted for monitoring purposes, 50 to follow up recommendations and 50 to deal with cases, investigate complaints, attend searches or address situations of violence. In 2015, the same Committee received 70 individual and collective complaints, 13 of which were referred to the Public Prosecution Service.

⁴ Statement of 27 November 2015. <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=16812&LangID=E>.

42. According to its 2016 annual report, the Committee made 69 visits to correctional facilities, covering approximately 14,436 persons deprived of their liberty, equivalent to 82.84 per cent of the prison population. It also received 44 individual and collective complaints.

43. The Human Rights Protection Unit of the National Prison Institute conducts supervisory visits to places of detention; approximately 25 such visits took place between 2016 and 2017. It has issued an estimated 250 recommendations to the authorities.

44. Since 2012, the State has continuously implemented a National Programme of Education in Human Rights, Justice and a Culture of Peace with the support of international partners such as the International Committee of the Red Cross. The Programme is aimed at different groups, such as public servants, members of law enforcement agencies, persons deprived of their liberty, and others.

45. The average duration of the training provided is 4 to 16 hours; the strategic focus is on training and awareness-raising in areas such as human rights, use of force and firearms and the prevention of discrimination. The Programme has also enabled the formation of a team of trainers in both the police and the military.

46. The delivery of human rights training for private security firms is scheduled to commence in the second quarter of 2017.

47. The Ministry of Security provides continuous training for the national police. In 2016, it recruited academic specialists in human rights to teach classes at the Police Technological Institute, the School of Criminal Investigation, the National Police Academy and the School for Non-Commissioned Officers, including a course on human rights and basic principles in the use of force.

48. In 2015, the Office of the National Commissioner for Human Rights provided training for 10,714 members of the police, the armed forces and the prison service.

49. In March 2016, the National Prison Institute launched a training programme on human rights and the prevention of torture and cruel, inhuman or degrading treatment for its staff. As of 27 March 2017, 468 officials and employees had participated in 10 six-hour-long training days.

50. For the receipt of complaints, the Institute adopted an operations handbook, set up mailboxes in all the units at Támara National Prison and created two email accounts (denuncias_inp@yahoo.com and denuncias@inp.goh.hn), a telephone hotline (+504-2239-60-10, ext. 38) and a computer application. All of those measures have been widely disseminated and publicized.

51. Special regulations for careers in the prison system, including penalties for personnel, were adopted pursuant to Agreement No. 1-2015 of the Board of Directors of the National Prison Institute.

52. In respect of paragraph 13, the Office of the National Commissioner for Human Rights was allocated a budget of 9,000,000.00 lempiras for 2017.

53. The Office of Special Prosecutor for Human Rights instituted proceedings in 18 cases, for various offences, in response to complaints arising from the events of 2009.

Right to liberty and security of person, treatment of persons deprived of their liberty, right to a fair trial and independence of the judiciary (arts. 7, 9, 10, 14 and 17)

54. In response to the question contained in paragraph 14, the Public Defence Service provides free public defender services to low-income population groups. Law enforcement agencies are highly trained and must inform all detainees of their right to request free legal assistance and to take steps to establish such contact.

55. The Public Defence Service has 31 branches at the national level, divided between 4 regional zones. According to its first quarterly report of 2016, the Public Defence Service

has 268 public defenders and a multidisciplinary support team of 83 professionals, including psychologists, social workers and consultants.

Table: Composition and coverage of the Public Defence Service⁵

Public defenders/Social workers, psychologists and consultants	268/83
Adult offenders in custody represented	4 742
Adult offenders at liberty represented	5 299
Total correctional population represented	10 041
Juvenile offenders in custody represented	265
Juvenile offenders at liberty represented	276
Overall national adult prison population (29 prisons)	16 789
Average number of criminal cases per public defender	34
Percentage of persons deprived of their liberty represented by the Public Defence Service	28%

56. In 2016 and 2017, the National Prison Institute has recruited a total of 39 lawyers, who provide services at no cost to persons deprived of their liberty.

57. Regarding measures taken to improve medical services, the extension of the infirmary at the Támara National Prison in Francisco Morazán Department was completed in 2015. It is now stocked with medical supplies and fitted out with high quality equipment. Ambulances meeting the international requirements for the transfer of persons deprived of their liberty have been purchased and assigned to the prisons with the largest populations.

58. Prison infirmaries throughout the country are being stocked with medications and reagents. Furthermore, 20 psychologists have been recruited so that the national prison system now has 27 psychologists and one psychiatrist in addition to the 22 doctors that currently deliver care.⁶

59. In April 2016, an agreement was signed between the Ministry for General Government Coordination, the Ministry of Human Rights, Justice, the Interior and Decentralization and the National Prison Institute, with the participation of the International Committee of the Red Cross as an honorary witness. The main goal of the agreement is to combine efforts and resources for the provision of comprehensive health services for persons deprived of their liberty.

60. The draft of the new Criminal Code seeks to implement a new policy by providing for alternatives to imprisonment and decriminalizing misdemeanours committed by first-time offenders. It also regulates the concept of substitute sentences for certain offences and the reward system whereby reduced sentences are granted in exchange for cooperation with justice officials.

61. In response to questions raised in paragraph 15 (a), the following legislative measures have been adopted:

(a) Agreement No. 2-2015 on the disciplinary regime for persons deprived of their liberty in the national prison system;

(b) Legislative Decree No. 101-2015, which established the special regime for the detention of highly dangerous and aggressive prisoners and mechanisms for the prison authorities to resume control of facilities.

⁵ Public Defence Service, first quarterly report, 2016.

⁶ Official Letter No. 1010-INP-DN-TEG-2016.

62. As a result of these measures, new methods of control were implemented in facilities including searches, checks upon entry of visitors, installation of cameras and regular operations to detect weapons, ammunition or prohibited substances such as drugs.

63. Since 2016, the National Prison Institute has relocated high-risk individuals in coordination with other institutions such as the National Inter-Agency Security Force. Article 91 of the National Prison System Act was amended in order to ensure the physical integrity and non-exposure to the public of persons deprived of their liberty.⁷

64. A total of 112 persons died in adult correctional facilities during 2014, 2015 and 2016. Details are provided in the annexes.

65. With regard to minors, a Plan of Action for the Restitution of the Rights of Juvenile Offenders Interned in Educational Centres was developed as an outcome of the Special Criminal Justice Programme and the corrective habeas corpus decision issued by the Constitutional Chamber of the Supreme Court.

66. In April 2015, a technical committee was established to respond to the state of emergency that had been declared in Educational Centres for Adolescent Offenders. It is composed of various institutions and is chaired by the Ministry of Development and Social Inclusion.

67. Executive Decree No. PCM-072-2016 established the National Institute for Juvenile Offenders as a decentralized body of the Ministry of Human Rights, Justice, the Interior and Decentralization. Having national jurisdiction and in-house expertise, its purpose is to organize, administer and operate the Educational Centres for Adolescent Offenders, as well as to lead efforts to consolidate the Special Juvenile Justice System.

68. Regarding subparagraph (b), in March 2017 the prison population stood at 18,024. Prison capacity has been expanded to address issues of overcrowding. At present there are 25 correctional facilities and 4 annexes with a total capacity for 10,908 inmates.

69. A new prison with six units and a maximum capacity of 1,200 inmates is being built in the municipality of Quimistán, Santa Bárbara Department; it is expected to open in early 2018. Another prison under construction in the municipality of Morocelí, El Paraíso Department, will hold a maximum of 1,340 persons deprived of their liberty. All new buildings will comply with applicable international standards. The National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment views the construction of new prison facilities as an answer to the serious problem of overcrowding.

70. As regards the conditions in Educational Centres for Adolescent Offenders, the following tables provide information on the security personnel assigned to each facility and the number of persons held:

<i>Educational Centre</i>	<i>Chief of Security</i>	<i>Deputy Chief of Security</i>	<i>Guards</i>	<i>Total</i>
Renaciendo	1	1	61	63
Renaciendo extension	1	0	7	8
Sagrado Corazón	1	1	18	20
Jalteva	1	1	16	18
El Carmen	1	1	12	14

Number of juvenile inmates

<i>Internment centre</i>	<i>Number of juveniles</i>
Renaciendo	229
El Carmen	124
Sagrado Corazón	59

⁷ Legislative Decree No. 6-2017 of 27 February 2017, published in the country's official gazette *La Gaceta* No. 34276.

<i>Internment centre</i>	<i>Number of juveniles</i>
Jalteva	78
Renaciendo extension	53
Total	543

71. With regard to subparagraph (c), the following outcomes were achieved under the agreement between the National Prison Institute and the International Committee of the Red Cross at prisons in El Porvenir (Atlántida Department) and Trujillo (Colón Department), as well as the National Women’s Prison for Social Adaptation and Támara National Prison (both in Francisco Morazán):

- (a) Improvement works carried out on the hydrosanitary and sewerage systems;
- (b) Upgrading of toilets and solid waste management;
- (c) Replacement of pipes to allow water supply from the urban network and construction of storage systems;
- (d) Installation of new pump systems and drilling of wells.

72. In the period 2009-2014, the daily food budget allocated by the State for each person deprived of liberty was 11 lempiras, or approximately US\$ 0.50. For 2017, the daily budget per person was increased to 24 lempiras, equivalent to US\$ 1.05, with a total budget of 167,040,488.00 lempiras.

73. At juvenile centres, a food service provider has been contracted exclusively to prepare a menu with suitable energy and nutritional values for the healthy development of children.

74. In respect of subparagraph (d), security cameras have been installed in prisons and operate constantly with a view to detecting weapons, ammunition and prohibited substances such as drugs. Furthermore, the National Prison Academy aims to train all prison officials and employees in professional ethics and ensure that they are committed to the rehabilitation, re-education and reintegration of persons deprived of their liberty.

75. The specialized personnel in attendance at juvenile centres includes 7 psychologists, 7 social workers, 43 counsellors, 6 general practitioners, 1 paediatrician and 10 nurses. See paragraphs 57-59 for information on the staffing of adult facilities.

76. Concerning subparagraph (f), primary education from the first to sixth grades is provided through the “Alfasic” alternative programme, while the seventh to ninth grades (lower secondary) are taught under the “Education for All” programme. Upper secondary and baccalaureate studies are initiated through the Honduran Institute for Education by Radio. All programmes are certified by the Ministry of Education. In terms of non-formal education, a cooperation agreement was signed with the National Commission for the Development of Non-formal Alternative Education, which in 2016 commenced training processes in juvenile centres based on the learning-by-doing methodology.

77. The creation of associations of persons deprived of their liberty has been promoted so that activities for re-education, rehabilitation and social reintegration may take place. Persons deprived of their liberty are entitled to participate in the educational and cultural activities that are held on a continuous basis and aimed at the full development of the human personality. In all of the country’s correctional facilities, both formal and non-formal education classes continue to be provided for persons deprived of liberty who voluntarily enrol. The National Prison Institute launched an education programme for the prison system in 2016.

78. Under an agreement with the Ministry of Education, a teacher will be assigned to each correctional facility and will assume responsibility for the coordination of educational programmes and the training of the facilitators who teach classes.

79. The Act on Work for Persons Deprived of their Liberty adopted by the National Congress envisions community work and social and infrastructure projects, including

occupational activities, aimed at reducing internal violence and the planning of criminal acts from prison. At the same time, it allows persons deprived of their liberty to earn a legitimate income, in accordance with article 82 of the National Prison System Act.

80. In addition to the programmes described in paragraph 75, a strategy entitled “*Yo Soy el Cambio*” (I Am the Change), aimed at the inclusion of minors in the rehabilitation process and incorporating psychological, social and educational elements, is being implemented in juvenile centres.

81. With regard to subparagraph (g), it has not been possible to effectively separate different categories of persons deprived of their liberty owing to the shortage of prisons. One exception is Juticalpa National Prison in Olancho Department, where persons awaiting trial are separated from convicts. The Government plans to open new centres so that these categories of persons can be separated appropriately.

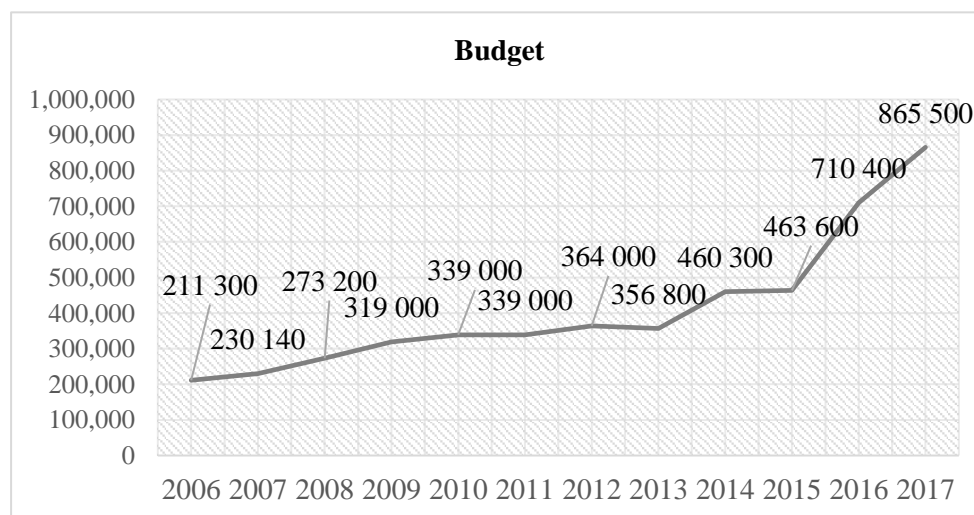
82. There are 8,266 convicts in the national prison system. Of these, 7,935 are men (56 aliens) and 331 are women (12 aliens).

83. There are 9,559 persons awaiting trial in the national prison system. Of these, 8,973 are men (123 aliens) and 586 are women (8 aliens).

84. The separation of minors by judicial status has not yet been achieved owing to the size and infrastructure of detention facilities. Of the five juvenile centres, four are for male offenders and one is for female offenders. It is hoped that the National Institute for Juvenile Offenders will be able to bring the conditions at such centres into line with international standards on the human rights of children and adolescents.

85. As regards subparagraph (h), the physical or psychological ill-treatment of minors or adults under the protection of the State is not permitted under any circumstances.

86. In response to the question contained in subparagraph (i), the budget of the National Prison Institute has increased substantially over the past four years, as illustrated by the figure below:



Amounts in millions of lempiras.

87. In terms of human and financial resources, the Government reached an agreement whereby the National Child Welfare Agency would transfer 11 million lempiras per month, equivalent to 132 million lempiras per year, to the National Institute for Juvenile Offenders.

88. The National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment conducts visits for monitoring and follow-up of cases and refers recommendations via official letter to the National Prison System, the National Directorate for Children and the Family and if necessary the Office of the Special Prosecutor for Human Rights for the due prosecution of perpetrators.

89. During these visits, the National Committee receives complaints from minors and persons deprived of their liberty, in accordance with the principle of confidentiality, and

makes appropriate recommendations to the director of the facility without disclosing the name of the complainant.

90. The Human Rights Protection Unit of the National Prison Institute became operational in 2015. Its primary function is to conduct routine in situ inspections of prisons and pretrial detention centres.

91. Under article 297 of the implementing regulations of the National Prison System Act, persons deprived of their liberty may complain to the prison authorities, for example to visiting prison inspectors, the head of the Human Rights Protection Unit, the director of the institution or any other senior authority. The complaint will then be then referred to the facility's interdisciplinary technical council, which will issue a decision on its admissibility.

92. Regarding alternative measures to detention that are implemented for child and adolescent offenders, Honduras has a programme of alternative measures, as laid down in the Code on Children and Adolescents. These include:

- (a) Caution;
- (b) Probation;
- (c) Community service and redress for the victim;
- (d) Directed residence;
- (e) Visiting or refraining from visiting certain individuals or places;
- (f) Abstaining from the consumption of addictive drugs, narcotics or alcoholic beverages;
- (g) Participation in special programmes for the prevention and treatment of addiction;
- (h) Attending educational programmes with a view to commencing basic schooling (if not completed), learning a profession or trade or attending training courses at a place or institution decided by the judge;
- (i) Undergoing medical or physiological treatment, preferably in public institutions; and
- (j) Attending or enrolling in appropriate educational establishments or systems.

93. A case concerning the San Pedro Sula prison fire in which 107 inmates died was heard by the Inter-American Court of Human Rights.⁸ The State agreed to provide monetary compensation for the victims' families and 35,000,000.00 lempiras have been paid into a trust fund established for that purpose. A decision is due to be taken on the most efficient payment method.

94. As a guarantee of non-repetition, the State has earmarked funds for the construction of new prisons and the refurbishment of existing ones. The facts of the San Pedro Sula case have been investigated and punished; however, it has not been possible to adjudicate guilt.

95. In respect of paragraph 16 on measures to safeguard the independence of the judiciary, it is notable that Supreme Court judges were recently elected under the mechanism established for that purpose in the Constitution, namely the appointment of a nominations committee made up of representatives of civil society organizations, the judiciary, the Bar Association, the Office of the National Commissioner for Human Rights, the Honduran Private Enterprise Council, professors of Honduran law faculties and trade union organizations. The process continued with the selection of candidates to be assessed in reliability tests at a public hearing, the results of which were then referred to the National Congress. The successful candidates were approved upon receiving the favourable vote of two thirds of deputies.

⁸ Inter-American Court of Human Rights. *Pacheco Teruel et al. v. Honduras*. Judgment of 27 April 2012 (Merits, Reparations and Costs).

96. Pursuant to Agreement No. 01-2016, the Supreme Court established Courts of National Jurisdiction to deal with corruption cases. Consequently, the National Congress amended the Special Act on Judicial Bodies with National Territorial Criminal Jurisdiction by Legislative Decree No. 89-2016.

97. To recruit qualified, competent staff for these courts, a special commission was set up for the selection of anti-corruption and anti-extortion judges and magistrates, which included representatives from civil society organizations, the Supreme Court and the Mission to Support the Fight against Corruption and Impunity in Honduras.

98. On the removal from office of four out of the five judges of the Constitutional Chamber of the Supreme Court of Justice by the Congress in 2012, the former judges José Antonio Gutiérrez Navas, Gustavo Enrique Bustillo Palma, Francisco Ruiz Gaekel and Rosalinda Cruz Sequeira presented a petition before the Inter-American Commission on Human Rights in September 2014. That case remains in its initial phase.

99. As regards *López Lone et al. v. Honduras*, the Supreme Court stated that posts akin to those held by the lawyers Adán Guillermo López Lone, Tirza del Carmen Flores Lanza and Luis Alonso Chévez de la Rocha no longer exist and so their reinstatement is not possible. Financial compensation for the victims has been placed in a bank deposit.

Prohibition of slavery and forced labour (art. 8)

100. With regard to paragraph 17 of the list of issues, according to the National Institute of Statistics 2015 continuous multipurpose household survey, the number of children and adolescents aged between 5 and 17 who work is 417,255. Of those, 52.6 per cent work primarily in agriculture, forestry, hunting and fishing, 18.6 per cent in the wholesale and retail trade, 11 per cent in manufacturing and 4 per cent in construction.

101. To combat the worst forms of child labour, the following measures have been taken:

(a) The Ministry of Labour and Social Security carried out consultations from November 2015 to February 2016 in various regions, as input to the 2016-2020 strategic plan, and within the framework of the national policy and the road map for making Honduras a country free of child labour, particularly its worst forms. The consultations took the form of six workshops, held in Tegucigalpa, La Ceiba, El Progreso, San Pedro Sula and Intibucá and was attended by 151 officials and representatives;

(b) In line with the strategic plan, the Ministry of Labour and Social Security and the Honduran Association of Southern Melon Exporters, in Choluteca, developed a programme for the prevention and elimination of child labour in this sector;

(c) Under Executive Decree No. PCM-057-2015, the National Commission for the Gradual Elimination of Child Labour was established, bringing together government, employers, workers and civil society organizations, with a mandate to implement the national plan and policy and the road map for making Honduras a country free of child labour;

(d) In April 2016 a memorandum of understanding was signed between the municipality of Comayagua and the Ministry of Labour and Social Security, on the implementation of a project to promote youth employment and prevent migration in the Comayagua Valley, as part of the programme on “Institutional strengthening to promote decent work in Honduras and action to prevent the worst forms of child labour”;

(e) To mark the World Day against Child Labour, the Ministry of Labour and Social Security organizes awareness-raising, information and cultural events, with the aim of raising public awareness of child labour and its worst forms and fostering closer relations between institutions and the population at large;

(f) Five awareness-raising workshops on child labour and its worst forms were organized for 110 coffee, cacao and pepper farmers belonging to the coffee-producers’ cooperative, in Santa Barbará and Ocotepeque departments;

(g) In 2016 a project on child migration was set up in indigenous and Afro-Honduran villages in Intibucá, Choluteca and Atlántida with funding from the International Labour Organization.

102. With reference to subparagraph (b), in 2015, under the national policy, five workshops were given on the strengthening of the regional subcommissions; they were attended by 119 labour inspectors, regional directors and representatives of institutions and organizations in the cities of San Pedro Sula, La Ceiba, El Progreso, Comayagua and Choluteca.

103. The Ministry has 135 labour inspectors. In 2015 the Labour Inspectorate carried out 7,035 ex officio workplace inspections, none of which gave rise to penalties for child labour.

104. In 2015, the Ministry of Labour and Social Security, in coordination with the Office of the Special Prosecutor for Children, the Directorate for Children, Adolescents and the Family, the Office of the National Commissioner for Human Rights, the fire brigade, the Standing Commission on Disaster Preparedness, the Ministry of Energy, Natural Resources, the Environment and Mining and the Ministry of Security carried out 153 inspections in La Ceiba, Choluteca, San Pedro Sula and Tegucigalpa, in the sectors of agro-industry, community services, trade, hotels and catering, electricity, gas, water, transport, storage, communications, fisheries, manufacturing, construction and mining. These inspections revealed 23 violations of the Code on Children and Adolescents and the Regulations on Child Labour; in 14 cases the employers rectified the situation in which there was a violation, while 3 companies were penalized.

105. The new Inspection Act, adopted by Legislative Decree No. 178-2016, provides for heavy fines for violations of workers' rights, and in cases where companies refuse entry to an inspector of the Ministry of Labour and Social Security to investigate a complaint, the complaint will be deemed admissible.

106. With regard to paragraph 18, through the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking of Children and Adolescents, the intergovernmental mechanism on trafficking in persons and sexual exploitation of children, the following action has been taken:

(a) Adoption of the 2016-2022 strategic plan against commercial sexual exploitation and trafficking in persons in Honduras, by Executive Decision No. 487-2016; the plan contains initiatives on prevention, detection and comprehensive support for victims;

(b) Adoption by Executive Decision No. 488-2016 of the Protocol on Action by Rapid Response Teams to support Victims of Commercial Sexual Exploitation and Trafficking in Persons, containing guidelines on comprehensive support for victims;

(c) Development of initiatives to alert the public to the fact of crimes of commercial sexual exploitation and human trafficking;

(d) The rapid response team coordinates the primary care provided during the first 72 hours of rescue or recovery, ensuring that victims' immediate needs are met; it also coordinates their recovery and social reintegration by providing extensive medium- or long-term assistance;

(e) In 2016, provided care to a total of 181 victims, including 133 new victims and continued follow-up for 48 others;

(f) Outreach work, with a total of 10,592 persons attending awareness-raising or training sessions in 2016.

107. Court cases in 2016 can be broken down as follows:

<i>Offence</i>	<i>Investigated</i>	<i>Brought to trial</i>	<i>Sentence passed</i>
Trafficking in persons	49	14	8
Sexual exploitation	13	10	4
Total	62	24	12

108. Sentences handed down range from 5 to 18 years imprisonment to fines of between 150 and 300 times the minimum wage.

109. With reference to subparagraph (a), the Special Regulations on the Organization and Operation of the Directorate of Public Prosecutions were adopted in 2016. These Special Regulations established that the Child Commercial Sexual Exploitation and Trafficking Unit would report to the Office of the Special Prosecutor for the Protection of Children and that, for cases involving victims aged over 18, a unit with similar functions would be set up in the Office of the Special Prosecutor for the Protection of Women. These units comprise multidisciplinary teams that can expedite investigations and provide an effective and efficient response to every complaint, since this offence is now dealt with by three branches of the Public Prosecution Service.

110. The Commercial Sexual Exploitation and Human Trafficking Unit of the Office of the Special Prosecutor for Children has three prosecutors, seven officers from the investigation police (Police Investigation Directorate), two assistant prosecutors and four Technical Criminal Investigation Agency officers.

111. In its investigations, the Office of the Special Prosecutor for Women works with the Department of Human Trafficking and Crimes against Sexual Freedom of the Technical Criminal Investigation Agency, and with the Transnational Criminal Investigation Unit of the Police Investigation Directorate.

112. As regards subparagraph (c), complaints of human trafficking have increased with the introduction of police hotline 911 and direct line (+504-8990-5187) to the rapid response team, which coordinates as necessary in order to deal promptly and appropriately with complaints and reply to queries raised.

113. In 2016 the Public Prosecution Service witness protection programme provided protection to five survivors of this offence in the form of psychological assistance, legal aid and support during criminal proceedings, in conjunction with the rapid response team.

114. A new Criminal Code is before Congress for discussion and adoption. The draft broadens the definition contained in the Special Act against Trafficking in Persons (art. 52), which is based on article 3 of the United Nations Convention against Transnational Organized Crime.

Right to privacy, freedom of expression and association and peaceful assembly (arts. 9, 17, 19, 21, 22 and 25)

115. With regard to the issues referred to in paragraph 19, article 14 of the Special Act on Interception of Private Communications establishes that, for a request to be made to intercept communications, an investigation or court case must already be in progress and the request must be granted by a judge; under article 34, a due process judge and a prosecutor must certify that the interception is carried out in accordance with the law.

116. With reference to paragraph 20, the National Protection Council has issued public statements and communiqués on a number of occasions, including at the Gay Pride March in July 2016; on Honduran Women's Day in February 2017; upon the assassination of human rights defender Berta Cáceres; during the 2017 elections, to the LGBTI community; and in recognition of the work of Suyapa Martínez. It is also noteworthy that the General Directorate for Protection has a unit on prevention and context analysis.

117. In order to effectively implement the law on the protection of human rights defenders, journalists, media and legal professionals, the Government adopted

implementing regulations pursuant to the Act. It also adopted a protocol on the transfer, from the Ministry of Security to the Ministry of Human Rights, Justice, the Interior and Decentralization, of precautionary measures granted by the Inter-American Commission on Human Rights. It has furthermore approved procedure manuals of the Directorate units and has allocated 10 million lempiras to a fund for protection measures.

118. Between July 2015 and 8 March 2017, the General Directorate for Protection dealt with 117 requests for protection. Of the 78 requests that were taken up, 44 (56 per cent) were from men, 24 (31 per cent) were from women, 8 (10 per cent) were from groups and 2 (3 per cent) were from transsexual persons. Furthermore, 53 (68 per cent) were requests by human rights defenders, 14 (18 per cent) by journalists, 3 (4 per cent) by social communicators and 8 (10 per cent) by judicial personnel.

119. In addition, the General Directorate for Protection has set up an emergency hotline (+504-9874-8595), which is staffed 24 hours a day, 7 days a week.

120. To ensure the proper protection of beneficiaries, on 20 January 2017 the National Council for Protection, using Government funds, approved the contracting of a company to supply infrastructure and technology services. This has made it possible to install perimeter wire in four cases; closed-circuit cameras in six cases; a metal door in two cases; locks on the main entrance in two cases; a solar panel with power band in one case; an emergency help button in one case; and a perimeter wall in one case. In addition, it authorized seven bulletproof vests in four cases.

121. Other protective measures include:

<i>Measure</i>	<i>Number of cases</i>
Leave the country	3
Return	1
Psychological support	5
Medical treatment	4
Redeployment at work	1
Street lighting around the home	4

122. Special units have been set up specifically to investigate deaths among vulnerable groups, chiefly peasant farmers, journalists, social communicators, women, children, adolescents and the LGBTI community, as in the following examples:

(a) Special Unit for the Investigation of Deaths of Minors: as of 2017 it has recorded 39 deaths of children and referred 20 cases to the prosecutor's office;

(b) Femicide Unit: as of 2017 it has registered 18 cases, of which 1 has been referred to the prosecutor's office, 2 to the Technical Criminal Investigation Agency and 15 to investigators of the Police Investigation Directorate;

(c) Violent Deaths Unit of Bajo Aguán;

(d) Violent Crimes Task Force: as of 2016 it reports 78 cases for investigation, 10 referrals to the prosecutor's office, 29 arrests of homicide perpetrators and 14 convictions.

123. Registration of NGOs is carried out in accordance with the Special Act on the Promotion of NGOs and its regulations. Under the current administration, the Ministry of Human Rights, Justice, the Interior and Decentralization has not refused registration to any organization that protects the rights of the LGBTI community.

124. In relation to the deaths of Berta Cáceres, Nelson García and René Martínez the following information can be provided:

(a) Case of Berta Cáceres. Defendants' statements by six of those allegedly involved in her death, Sergio Ramón Rodríguez Orellana, Mariano Díaz Chávez, Douglas Geovanny Bustillo, Elvin Heriberto Rápalo, Edilseon Duarte Meza and Emelson Duarte

Meza, will be taken at a hearing to be held on 19 April 2017. A date for the preliminary hearing of the other two co-defendants, Henry Javier Hernández and Oscar Aroldo Torres Velásquez, has yet to be set. Investigations into the instigators of the crime are continuing in parallel.

(b) Case of Nelson Noé García. The initial hearing of Didier Enrique Ramirez Acosta, who was arrested following an investigation, was held on 1 April 2016 and the indictment subsequently issued called for pretrial detention. A date for the preliminary hearing and the referral of the case to public, oral proceedings, has yet to be set.

(c) Case of René Martínez. The investigation included an autopsy of the victim, the gathering of evidence in house searches carried out on 10 June 2016, the appointment of an expert to conduct a psychological autopsy, and an expert analysis of telephone data. Matching of fingerprints from the corpse to evidence retrieved from the crime scene is pending.

125. As to the university student cases, the Supreme Court discharged all 75 students.

Protection of children (arts. 2, 7, 9, 10, 13, 24 and 26)

126. On the issues referred to in paragraph 21, under the Programme to Protect Children's and Adolescents' Rights outreach activities for street children are conducted once a month in the main towns in coordination with the Public Prosecution Service and municipal authorities, with a view to referral to State programmes. As yet no census has been taken of children and adolescents living in the street, but with the cooperation of the United Nations Children's Fund (UNICEF) a consultancy project has been launched with a view to creating a special protection system that will make it possible to document and properly address this and other problems.

127. Where a report is received or raids bring to light children identified as living in the street or lacking a legal representative, immediate protective measures are taken and referrals are made as appropriate to social reintegration programmes run by the State or civil society organizations.

128. The Report on Internal Displacement in Honduras showed that children and adolescents are a highly vulnerable group, at risk of recruitment, exploitation or co-option on the part of groups that seek to provoke violence; accordingly, the Inter-Agency Commission on the Protection of Persons Displaced by Violence, in conjunction with the Ministry of Education, the Norwegian Refugee Council, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC), is now developing measures to address this problem. In addition, Honduras is a signatory to the Safe Schools Declaration of 2015 and intends to implement the guidelines in the Declaration insofar as they apply to Honduras.

129. Regarding paragraph 22, in 2016, with the help of a grant from the Canadian Government, the ProNiñez consortium, comprising UNICEF, Plan International, the International Bureau for Children's Rights and the National Directorate for Children and the Family, began work on a national system for the promotion and protection of children's rights with international consulting services provided by Global Infancia. The project is to last six years (one year has now passed) and the aim is to create a structure matching the three territorial levels, but concentrating on the establishment of local systems. This project will benefit 470,240 families and 866,714 children and adolescents in 35 municipalities and represents an investment of 25 million Canadian dollars.

130. In order to avoid revictimization, amendments were made to articles 237 and 311 of the Code of Criminal Procedure to introduce the use of Gesell chambers as a protection mechanism.

131. In reply to paragraph 23, in 2016 the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking of Children and Adolescents set up 19 local implementation committees, paying attention to the specific needs of each area; committees were also set up in municipalities with indigenous populations and in areas with a high incidence of domestic child labour, with a particular focus on girls.

132. The Honduran Tourist Board signed the Code of Conduct associated with the National Tourism Register. Signing the Code of Conduct constitutes a formal declaration aimed at establishing standards of conduct that help to discourage and punish commercial sexual exploitation of children and adolescents. In 2014 and 2015, 358 tourist businesses in the hotel, catering and other businesses signed the Code of Conduct; a further 185 signed it in 2016.

133. The Ministry of Education informs students and teachers about the existence of offences of trafficking and exploitation and about mechanisms to protect against them.

134. With regard to paragraph 24, in 2016, under the Child Protection Programme operated jointly by UNICEF and the National Registry Office, the Registry Office obtained resources for registering the births of children and adolescents in remote rural and ethnic communities, an initiative that will help guarantee the enjoyment by these communities, now and in the future, of other fundamental rights, such as education, health, employment, political participation, nationality and freedom of movement.

135. In April 2016, a branch registry office was opened in the hospital of Puerto Lempira, in Gracias a Dios, to ensure prompt registration of all births free of charge.

136. Under the Parenting with Love programme, the associations of municipalities of Colosuca (Lempira) and Lenca Eramani (Intibucá), both of which have representatives of the Lenca ethnic group, have taken a census of the unregistered child population; taken a census of students enrolled in the school system but not listed in the civil registers; provided training to registration volunteers, including local authorities, indigenous leaders, residents, civil society organizations, health and education officials, and others; and set up the Timely Registration Network in beneficiary communities, with registration and identification brigades in the villages and hamlets known to have child registration problems.

137. The following are examples of the action taken:

(a) Training of 45 municipal registrars in towns in Lempira and Intibucá, and of the two civilian departmental officials;

(b) Opening of offices in hospitals in Intibucá, Santa Rosa de Copán and Choluteca in 2014 and 2015, with UNICEF funds, and one in Puerto Lempira in 2016;

(c) Training of more than 100 community players in priority municipalities, with funding from UNICEF and the Universal Civil Identity Project of the Americas, of the Organization of American States (PUICA/OAS);

(d) Preparation and distribution of posters, pamphlets and a compendium of laws on responsible parenting, amendments to the Family Code and to the law and regulations governing the Civil Registry, and other related documentation.⁹

138. In April 2016 a campaign was launched in the department of Gracias a Dios, in the municipalities of Puerto Lempira, Brus Laguna and Juan Francisco Bulnes, in coordination with the Disability Directorate of the Ministry of Social Development and Inclusion, the Honduran Miskito Disabled Divers Association and the United Nations Development Programme project to strengthen the capacities of the Civil Registry. The main outcomes were the provision of 1,022 identity cards issued for the first time, more than 200 of which were for persons with disabilities, and the registration of 343 adults, children and adolescents.

⁹ Available from <http://www.rnp.hn/?p 13506> (consulted in March 2017).

139. As part of a project on strengthening the rule of law to protect and promote human rights in Honduras, a campaign was conducted to register persons with disabilities in communities in Kaukira, Ujé, Yahurabila, Barra Patuca, Batalla, Ibans, Belén and Puerto Lempira, and provide them with benefit cards. The campaign reached 4,372 persons in all, with the issuance of 796 benefit cards to persons with disabilities, 1,016 first-time identity cards and 7 retroactive identity cards; 2,132 birth certificates and 303 replacement certificates (unregistered births), an additional 118 births were registered.

140. As regards border areas, in coordination with the Ministry of Human Rights, Justice, the Interior and Decentralization, the Standing Commission on Disaster Preparedness, the National Institute of Migration and the Ministry of Foreign Affairs and International Cooperation, a mobile registration campaign was conducted in Gracias a Dios in January 2016, under the auspices of the National Risk Management Commission, resulting in the issuance of 175 first-time identity cards, 17 retroactive birth certificates, 76 renewals, and 268 birth registrations among the Miskito population.

Access to justice and participation in public affairs (arts. 14 and 25)

141. In response to paragraph 25, the Mission to Support the Fight against Corruption and Impunity in Honduras was set up in Honduras on 19 April 2016 and as at October 2016 had 19 staff members.

142. The following are examples of the results of the Mission's work.

143. The Public Prosecution Service and the Mission signed an agreement on 18 January 2017, on the creation of a cooperation mechanism to facilitate joint investigations. Accordingly, a special prosecution unit to combat impunity for corruption was set up. The staff of that unit will be selected by consensus by the Public Prosecution Service and the Mission, which will also work together on integrated criminal investigation and prosecution.

144. With the support of the Mission, Congress adopted a law on political party financing, transparency and oversight, known as the Clean Politics Act.

145. In collaboration with the Counsel General's Office an anti-corruption policy has been put in place barring recourse to conciliation in corruption cases.

146. The Mission decided to work with the Public Prosecution Service in its investigations in the case of the Honduran Social Security Institute, following up 47 investigation leads and 15 court cases. Since 2015 there have been 11 applications for prosecution and one increase in charges brought, for crimes of violation of the duties of officials, influence-peddling, passive bribery, money-laundering, criminal association, public and private pension fund governance offences, serving as front man and fraud. In these 11 cases, 46 persons are being prosecuted and 11 are still at large, while 5 convictions have been handed down against 9 individuals.

147. As a result of the police purge, in August 2016 the Police Purge Commission handed more than 500 police records over to the Public Prosecution Service, some of which include corruption cases.¹⁰

148. As for paragraph 26, the Supreme Electoral Tribunal ensures that national and international oversight and observer arrangements are in place and that election organizers are trained, sets up mechanisms for participation by political parties, concludes agreements with civil society organizations and international bodies, implements measures for the security of election documents, maintains a system for communication of the election results and runs campaigns to encourage the population to exercise its right to vote.

149. The Supreme Electoral Tribunal and the National Autonomous University of Honduras signed a cooperation agreement in October 2016 certifying more than 13,000 students as scanning operators nationwide during the 2017 primary and general elections.

¹⁰ Available at: <http://www.seguridad.gob.hn/comunicado?id=22> (consulted March 2017).

150. According to the Constitution, the armed forces are responsible for the custody, transport and oversight of electoral materials and other security aspects of the process.

Rights of persons belonging to minorities (arts. 2, 26 and 27)

151. With regard to paragraph 27, the State recognizes the right to ancestral indigenous lands. The National Agrarian Institute, with support from the RED Project and the European Union, launched the Indigenous Mapping Project, to georeference every plot awarded and enter it on an official map. This will provide a tool for the settling of disputes and the determination of compensation.

152. The land title procedure has been implemented with the Tawahka people in the Tawahka Asagni reserve. Deeds have been issued to various communities, including 63 Lenca, 11 Garífuna, 4 Pech, 10 Tolupán and 13 Miskito.

153. The Office of the Special Prosecutor for Ethnic Groups has given talks to publicize the provisions of the Manual on the Investigation of Indigenous Peoples' Rights, to prevent third parties bringing criminal proceedings against indigenous peoples.

154. In 2015 an inter-agency technical committee comprising 19 State institutions began drafting legislation on free, prior and informed consultation. Eighteen consultation workshops have been carried out, attended by nine indigenous and Afro-Honduran peoples, with specific components on indigenous and Afro-Honduran women.

155. The State has invited the Special Rapporteur on the rights of indigenous peoples to provide technical assistance in the drafting process, and a visit is planned for 16-21 April 2017.

156. Additional training has been provided to the local and regional prosecutors' offices, and the Office of the Special Prosecutor for Ethnic Groups and the Cultural Heritage has initiated criminal proceedings against third parties that have expropriated ancestral lands.

157. In 2017 the Special Prosecutor for Ethnic Groups was assigned a budget of around 8.7 million lempiras and the Directorate for Indigenous and Afro-Honduran Peoples one of 17.9 million lempiras.

158. Between 2015 and 2017, 32 complaints were received for violations of the right to ancestral lands; these are now being investigated. Proceedings are under way in the land expropriation cases in respect of the Lima tribe, Montaña de la Flor, Wamakklisinasta Territorial Council of the Miskito people, the Pech tribe of Santa María del Carbón, the indigenous tribe of Tolupán San Juan, the Pech tribe of Santa María del Carbón, the indigenous tribe of Tolupán La Candelaria, and the Lenca Indigenous Council of the community of Simpinula.

159. In the Agua Zarca case a request to prosecute an offence of abuse of authority has been filed in respect of Marco Jonathan Láinez Ordóñez, former Minister of Energy, Natural Resources, the Environment and Mines, for granting an environmental licence to DESA S.A. An *amparo* ruling is pending. Another prosecution request was filed against Mr. Roberto Darío Cardona Valle, former Minister of Energy, Natural Resources, the Environment and Mines, for granting an environmental licence to DESA S.A. An appeal is pending.

160. The Patuca case is in the investigation stage; the Public Prosecution Service has seized the administrative file of the Ministry of Energy, Natural Resources, the Environment and Mines.

161. The Violent Deaths Unit of Bajo Aguán investigated the deaths of 118 people in that area in connection with the land dispute, and has carried out 57 exhumations, which have led to judicial proceedings in 26 cases. Since 2014 only two violent deaths related to the conflict have been recorded.

162. In response to paragraph 28, in African Heritage Month support was provided to 13 projects in Garífuna communities and five Hondurans belonging to this ethnic group were honoured for their leadership, community work and respect for human values, in five categories, with prizes totalling 300,000 lempiras. In addition, works of Garifuna literature *Ruguma y Cayos* were published.
