



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of  
Racial Discrimination**

**Combined ninth to eleventh periodic reports submitted by  
Honduras under article 9 of the Convention, due in 2023\***

[Date received: 15 December 2023]

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\* The present document is being issued without formal editing.



## I. Introduction

1. In accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, the Government of Honduras hereby submits its combined ninth to eleventh periodic reports on the implementation of the Convention, pursuant to article 9 (1) of the Convention and the specific guidelines for the preparation of reports to the Committee on the Elimination of Racial Discrimination.<sup>1</sup>
2. The report summarizes the legislative, administrative and judicial measures taken by the Government over the period 2018–2023 to give effect to articles 1 to 7 of the Convention and the Committee’s concluding observations on the combined sixth to eighth periodic reports,<sup>2</sup> considered in November 2018, as well as the main challenges encountered.
3. The process of preparing the report was led by the Ministry of Human Rights in collaboration with the Ministry of Social Development through the National Coordination Office for Indigenous and Afro-Honduran Peoples, with which it coordinated the establishment of a working group of the Honduran Recommendations Monitoring System, made up of institutional focal points in the three branches of government, decentralized and deconcentrated institutions and academia.
4. With the inauguration of the Solidarity Government of President Xiomara Castro on 27 January 2022, the State has resumed and reaffirmed its commitment to defend, protect and guarantee human rights, recognizing that for years Indigenous and Afro-Honduran peoples have endured abandonment, abuse, violence, exclusion, discrimination and dispossession of their lands and resources by the administration on account of a lack of inclusive State regulations and policies and of institutions focused on the welfare of groups in vulnerable situations, as well as the failure to effectively implement the provisions of international conventions ratified by the State of Honduras.
5. To address these issues and achieve its goals and targets, the Solidarity Government is implementing the 2022–2026 Bicentennial Plan for Rebuilding Honduras and Constructing a Socialist and Democratic State<sup>3</sup> and is creating institutions to oversee and safeguard the rights of peoples and groups in vulnerable situations in the country.

## II. Normative framework

### Laws, regulations and other internal rules

6. Over the reporting period, the Government of Honduras adopted a variety of provisions to protect and guarantee the rights of Indigenous and Afro-Honduran peoples, including the following:
  - (a) Creation of the Comprehensive System for the Protection of the Rights of Children and Adolescents in Honduras,<sup>4</sup> whose purpose is to guarantee, respect, protect and promote the full, effective and continuous exercise and enjoyment of rights by all children and adolescents who live in Honduras or have a legal relationship with the State;
  - (b) The Act for the Restoration of the Constitutional Rule of Law and for Non-Repetition;<sup>5</sup>
  - (c) The Act for the Prevention of Internal Displacement and the Protection and Care of Internally Displaced Persons.<sup>6</sup> This law provides for the gender-sensitive and

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<sup>1</sup> CERD/C/2007/1.

<sup>2</sup> CERD/C/HND/CO/6-8.

<sup>3</sup> 2022–2026 Government Plan for Rebuilding Honduras. <https://n9.cl/w1lhy1>.

<sup>4</sup> Executive Decree No. PCM-020-2019, published in *La Gaceta* (Official Gazette) No. 34,983 of 29 June 2019.

<sup>5</sup> Legislative Decree No. 4-2022, published in *La Gaceta* No. 35,840 of 4 February 2022.

<sup>6</sup> Legislative Decree No. 154-2022, published in *La Gaceta* No. 36,184 of 20 March 2023. <https://n9.cl/3bvul>.

differential approaches and for non-discrimination. It also recognizes gender-based violence against women, girls and LGTBIQ+ persons as a cause of displacement and provides for protection against harassment, rape, mutilation, torture, forced prostitution, sexual exploitation and any other form of gender-based violence;<sup>7</sup>

(d) The Act on the Protection of Women in Humanitarian Crises, Natural Disasters and Emergencies;<sup>8</sup>

(e) The Act on the National DNA Database System, which created the National DNA Database System<sup>9</sup> to facilitate the establishment of the facts in cases under criminal, civil or humanitarian investigation to identify missing persons and human remains;

(f) Rules of procedure on the mandate and operations of the Inter-Institutional Commission to Address and Prevent the Problems Associated with Dive Fishing;<sup>10</sup>

(g) Occupational safety and health rules for deep-sea dive fishing;<sup>11</sup>

(h) Declaration of 24 March as the National Day for the Right to Truth, Memory and Justice;<sup>12</sup>

(i) Repeal of the Public Documents Classification Act, known as the Secrets Act;<sup>13</sup>

(j) Repeal, in its entirety, of the decree containing the Organic Act on Employment and Economic Development Zones<sup>14</sup> as being contrary to constitutional guarantees and rights and to the country's form of government. That decree constituted a violation of the territorial integrity, sovereignty and independence of the Republic, to the detriment of the entire Honduran population, inter alia by altering, violating and seriously modifying the system of administration of justice, allowing it to be supplanted by judicial or adjudicatory systems of other countries.<sup>15</sup>

7. The Minister for Human Rights, in her statement at the third United Nations Educational, Scientific and Cultural Organization (UNESCO) Global Forum against Racism and Discrimination, held in November 2023, stressed that racism and violence against women disproportionately affect vulnerable communities, primarily women. One example of this is the case of environmental leader and defender Berta Cáceres, who was murdered for her tireless work in defence of territory, land and life.

8. In accordance with the Government Plan for Rebuilding Honduras and Constructing a Socialist and Democratic State, President Xiomara Castro decided to restructure the public administration, which had been weakened and degraded over the last decade after the breakdown of the democratic order triggered by the coup d'état of 28 June 2009, compounded by the health crisis caused by the coronavirus disease (COVID-19) pandemic and natural disasters caused by tropical storms Eta and Iota.

9. With the issuance of Executive Decree No. PCM-05-2022,<sup>16</sup> existing institutions were reformed to create a new institutional structure with the aim of administering resources more efficiently and achieving the goals and targets of the Solidarity Government, and the following public institutions were created:

(a) The Ministry for Transparency and the Fight against Corruption;<sup>17</sup>

<sup>7</sup> Legislative Decree No. 154-2022, art. 39 (2).

<sup>8</sup> Legislative Decree No. 9-2023, published in *La Gaceta* No. 36,217 of 2 May 2023. <https://n9.cl/b0rlly>.

<sup>9</sup> Legislative Decree No. 57-2023, published in *La Gaceta* No. 36,322 of 31 August 2023.

<sup>10</sup> Decision No. CIAPEB 001-2018, published in *La Gaceta* No. 35,190 on 3 March 2020.

<sup>11</sup> Executive Decision No. STSS-577-2020, published in *La Gaceta* No. 35,459 of 14 December 2020.

<sup>12</sup> Legislative Decree No. 22-2022, published in *La Gaceta* No. 35,885 of 29 March 2022.

<sup>13</sup> Legislative Decree No. 12-2022, published in *La Gaceta* No. 35,873 of 15 March 2022.

<sup>14</sup> Legislative Decree No. 33-2022, published in *La Gaceta* No. 35,907 of 26 April 2022.

<sup>15</sup> <https://twitter.com/sedhHonduras/status/1730246280297791739> (accessed on 7 December 2023). See also <https://twitter.com/sedhHonduras/status/1730005413481824652>.

<sup>16</sup> Executive Decree No. PCM-05-2022, published in *La Gaceta* No. 35,892 of 6 April 2022.

<sup>17</sup> *Ibid.*, art. 1.

- (b) The Ministry of Strategic Planning, as the lead institution responsible for the National System of Social and Economic
- (c) Development Planning;<sup>18</sup>
- (d) The Ministry of Women's Affairs,<sup>19</sup> which replaces the National Institute for Women and elevates it to the rank of ministry;
- (e) The Ministry of Cultures, Arts and Heritage of the Peoples of Honduras,<sup>20</sup> which is responsible for developing policies consistent with the national identity and respectful of diversity that promote and preserve the cultural roots of Hondurans and promote, protect and ensure full access to culture, art and heritage;
- (f) The Ministry of Social Development,<sup>21</sup> which replaces the Ministry of Development and Social Inclusion;
- (g) The Solidarity Network Programme,<sup>22</sup> a decentralized entity of the Ministry of Social Development with technical, financial and administrative independence. The aim of the Programme is to reduce extreme poverty through programmes and projects for vulnerable populations identified using the State's social information systems and technical tools;
- (h) The Solidarity Action Programme,<sup>23</sup> a decentralized body of the Ministry of Social Development with technical, financial and administrative independence and a mandate to provide social assistance to vulnerable groups through programmes and projects based on the principles of transparency, objectivity, inclusion and efficiency;
- (i) The National Coordination Office for Indigenous and Afro-Honduran Peoples,<sup>24</sup> attached to the Ministry of Social Development, whose purpose is to study the relationship between the State and the country's Indigenous and Afrodescendent peoples and to formulate public policies in that regard.

10. In addition, the same decree abolished a number of ministries, programmes, special cabinet councils and sectoral cabinet councils such as the Ministry of General Government Coordination, the Ministry for Transparency and the Better Life Programme.

### **Policies, plans and programmes**

11. The following planning instruments have been adopted in recent years by the Solidarity Government to meet the needs, priorities and demands of Indigenous and Afro-Honduran peoples and persons in vulnerable situations:

- (a) *Solidarity Network Programme*.<sup>25</sup> Under this programme, projects assigned or pre-designed by the Ministry of Social Development are executed on the basis of a comprehensive policy with an asset-based approach to poverty reduction. To attain the goal of reducing poverty and extreme poverty, the Solidarity Network Programme implements programmes and projects targeting vulnerable populations, as identified by the State's social information systems and technical tools, including the design, structuring, implementation, management and supervision of productive and social projects, which are assigned pursuant to contracts, agreements, external financing arrangements, donations or inter-institutional agreements or are directly designated by government decision-making bodies. The programme includes scholarships for young people in primary, secondary and university education;
- (b) *Programme of Memory, Truth, Reparation, Justice and Non-Repetition for the Reconciliation and Refoundation of Honduras*. This programme was launched on 24 October 2022 as part of the actions mandated by the *Deras García et al. v. Honduras* judgment to

<sup>18</sup> Ibid., art. 2.

<sup>19</sup> Ibid., art. 3.

<sup>20</sup> Ibid., art. 4.

<sup>21</sup> Ibid., art. 11.

<sup>22</sup> Ibid., art. 12.

<sup>23</sup> Executive Decree No. PCM-22-2022, published in *La Gaceta* No. 35,999 of 11 August 2022.

<sup>24</sup> Executive Decree No. PCM-19-2022, published in *La Gaceta* No. 35,999, art. 7.

<sup>25</sup> Executive Decree No. PCM-08-2022, published in *La Gaceta* No. 35,912 of 2 May 2022.

promote, guarantee and defend the right to the truth for victims of serious human rights violations, through historical memory, support and follow-up of reparations.

- a. *Creation and implementation of the Our Roots Programme*<sup>26</sup>
  - (a) Production of an operational handbook on the delivery of cash transfers to vulnerable sectors in accordance with the Solidarity Action Programme guidelines;<sup>27</sup>
  - (b) Introduction of conditional cash transfers executed by the Solidarity Network Programme<sup>28</sup> using all sources of funding, geared towards social protection, opportunities for income generation, local empowerment, education, health, infrastructure and environment, both rural and urban, with the aim of combating poverty and extreme poverty throughout the country.
- b. *Brus Laguna Fisheries and Aquaculture Management Plan, drawn up in 2020 by the Brus Laguna Governance Committee*

12. The Plan was developed with support from the National Institute for the Conservation and Development of Forests, Protected Areas and Wildlife, the Municipality of Brus Laguna, the Drapap Tarara Iwi Uplika Nani Asla Takanka (DIUNAT) Territorial Council, the Directorate General of Fisheries and Aquaculture of the Ministry of Agriculture and Livestock and the international agency GOAL, as part of the actions taken under the MiPesca projects “Resilience of the Blue Economy and the Coastal Ecosystem in Northern Honduras”, funded by the Nordic Development Fund and the Inter-American Development Bank (IDB), and “Citizen participation for access to resources and local development policies of Indigenous and Afrodescendent peoples of the Honduran Mosquitia”, funded by the European Union.<sup>29</sup>

### III. Information relating to articles 1 to 7 of the Convention

#### Implementation of the Convention (arts. 1 and 6)

##### Recommendation contained in paragraph 7

13. This recommendation concerns training to ensure that judges, prosecutors and lawyers are familiar with the provisions of the Convention. To ensure that these provisions can be applied in relevant cases, the Francisco Salomón Jiménez Castro Judicial College of Honduras and the Inter-American Court of Human Rights held the third edition of the course “Indigenous and Tribal Peoples’ Rights, Environmental Rights and Human Rights Defenders” from 18 to 22 October 2021. Fifty public servants were trained, including judges of the judicial branch, prosecutors of the Public Prosecution Service, officials of the Attorney General’s Office and staff of the Office of the National Commissioner for Human Rights.<sup>30</sup>

14. In 2022, the Public Prosecution Service, through the Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage and the Orlan Arturo Chávez

<sup>26</sup> Ministry of Social Development, “Gobierno de la República lanza el programa ‘Nuestras Raíces’” (Government launches “Our Roots” programme) (1 August 2022). Accessed on 10 April 2023 at <https://n9.cl/8or3i>.

<sup>27</sup> Ministerial Decision No. 039-SEDESOL-2022, published in *La Gaceta* No. 36,062 of 28 October 2022.

<sup>28</sup> Ministerial Decision No. 036-SEDESOL-2022, published in *La Gaceta* No. 36,064 of 31 October 2022.

<sup>29</sup> Brus Laguna Governance Committee, “Plan de Manejo Pesquero y Acuícola de Brus Laguna” (Brus Laguna Fisheries and Aquaculture Management Plan) (2020). Accessed on 21 November 2023 at <https://n9.cl/q3w60>.

<sup>30</sup> “Corte Interamericana inauguró en Honduras la tercera edición del curso sobre Derechos de los Pueblos Indígenas y Tribales, Derechos al Medio Ambiente y Personas Defensoras de los Derechos Humanos” (In Honduras, Inter-American Court launches third edition of course on Indigenous and tribal peoples’ rights, environmental rights and human rights defenders) (19 October 2021). <https://n9.cl/Oevybd>.

Prosecutor Training School and with support from the Spanish Agency for International Development Cooperation, provided training for prosecutors assigned to Tegucigalpa, San Pedro Sula, Tela, Olancho, Yoro, La Paz, Santa Bárbara, Comayagua, Marcala and La Esperanza to build their capacities to represent and defend the rights of Indigenous and Afro-Honduran peoples in criminal proceedings.<sup>31</sup>

15. Regarding specific examples of cases in which the Convention and other international instruments ratified by Honduras have been applied by domestic courts, the following cases are worthy of note:

(a) Appeal in Cassation No. CA-64-2016 of 31 January 2017, filed with the Administrative Appeals Court of Tegucigalpa. The appellant is a member of the Miskito people who had served as a justice of the peace in the municipality of Villeda Morales, Department of Gracias a Dios, working with communities and populations that were totally Indigenous, and who was temporarily suspended from his position for a period of 90 days without pay and was subsequently dismissed. He therefore filed a claim alleging that the appointing authority's action to dismiss him was time-barred. The claim was declared inadmissible at first instance on the grounds that it had been filed after the deadline established in the Administrative Disputes Act; this decision was upheld on appeal. However, in the cassation proceedings, the Court declared the judgment null and void on the grounds that the appellant was in a situation of vulnerability and had filed the claim as best he could, considering that his ability to travel to any part of the national territory was hampered by his situation of economic hardship. The Court based its decision on international standards such as article 8 of the American Convention on Human Rights and the 100 Brasilia Regulations Regarding Access to Justice for Vulnerable People;<sup>32</sup>

(b) In another appeal in cassation (case No. AC-206-2017) before the Sectional Court of Appeal of Comayagua, Department of Comayagua, a judgment was handed down on 19 June 2018. In this case, the Court found in favour of the appellant, holding that the judgment being challenged, which was issued on 8 February 2017, violated the principle of equality of Indigenous and Afro-Honduran peoples by dismissing and closing a collective claim for failure to present evidence of the legal status of the water board of the Lenca people, for which reason the Sectional Court of Appeal of Comayagua considered that the members of the water board had been sworn in at an open town meeting in which 600 persons belonging to the Lenca people had participated, with the result that they had full legal capacity to file a claim on the basis of international treaties. The Court applied the principle of equality and based its decision on the following international standards: articles 40 and 45 of the United Nations Declaration on the Rights of Indigenous Peoples and article 8 of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169);<sup>33</sup>

(c) With regard to the *amparo* application filed in case No. AP-82-19, brought before the Constitutional Chamber of the Supreme Court in Tegucigalpa, a judgment was handed down on 10 October 2019 granting *amparo* to the appellant, who is a Honduran of African descent, on the grounds that the Criminal Court of Appeal of the Department of Francisco Morazán had made an erroneous assessment in its judgment of 18 September 2018 upholding the definitive dismissal of a case in which the defendant was accused of discriminating against a person of African descent. The Chamber pointed out that the facts and reasoning set out in the judgment seemed to justify the defendant's actions by attributing them to a labour dispute and that this amounts to a flagrant violation of the right to judicial protection, given that the Court of Appeal failed to guarantee due process in respect of an improperly reasoned decision. The Chamber based its ruling on article 8 of the American Convention on Human Rights; article 8 (4) of the Universal Declaration of Human Rights;

<sup>31</sup> Public Prosecution Service, "Fiscales de nueve departamentos son capacitados para representar y defender los derechos de los pueblos indígenas" (Prosecutors from nine departments receive training on representing and defending the rights of Indigenous Peoples) (21 June 2022). <https://n9.cl/zmo08>.

<sup>32</sup> Judicial branch, case summary, case No. CA-64-2016. Accessed on 19 October 2023 at <https://n9.cl/p73fy>.

<sup>33</sup> Judicial branch, case summary, case No. AC-206-2017. Accessed on 19 October 2023 at <https://n9.cl/gnf9y>.

article 4 of the American Declaration of the Rights and Duties of Man; article 14 (1) and (7) of the International Covenant on Civil and Political Rights; and article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>34</sup>

16. In addition, on 30 October 2023, the Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage filed charges against a citizen for the offences of illegal exploitation of natural resources, arson and encroachment to the detriment of the environment and the Tolupán people of Liguigue, in the municipality of Yorito, Department of Yoro. In these proceedings, the Office of the Special Prosecutor used an expert analysis prepared by the National Institute for the Conservation and Development of Forests, Protected Areas and Wildlife, which confirmed the illegal extraction and exploitation of 10.77 hectares of forest without a management plan authorized by the competent authority.<sup>35</sup>

## Compilation of data (art. 2)

### Recommendation contained in paragraph 9

17. Regarding the efforts made to compile up-to-date and comprehensive statistics on the socioeconomic and demographic profile of Indigenous and Afro-Honduran peoples, the following information should be noted.

18. The National Institute of Statistics is a government institution with a mandate to coordinate the production, collection, analysis and publication of the official national statistics generated by the National Statistical System of Honduras, which serve as a frame of reference for decision makers.

19. The National Strategy for the Development of Statistics in Honduras for the period 2023–2033 is aimed at making the National Statistical System a relevant and reliable system for producing statistics, with institutions committed to statistical governance and capable of efficiently executing short-, medium- and long-term actions to strengthen the National Institute of Statistics and the National Statistical System over the implementation period. The Strategy for 2023–2033 was developed with support from the United Nations Population Fund (UNFPA) and is linked to the strategic planning guidelines and objectives of the Government Plan (2022–2026), the Plan for the Nation (2022–2038), the Vision for the Country (2010–2038) and the statistical capacity-building objectives of the international initiative Partnership in Statistics for Development in the 21st Century.<sup>36</sup>

20. Starting in 2023, the continuous multipurpose household survey will be carried out four times a year by the National Institute of Statistics in the country's 18 departments. This will result in reliable, up-to-date and complete statistical data, disaggregated by gender, age, department, urban/rural area, income quintile and educational level. In addition, one of the questions in the questionnaire is the following: “Do you self-identify as Garifuna, English-speaking black, Tolupán, Pech (Paya), Miskito, Nahua, Lenca, Tawahka (Sumo), Maya Chortí, mestizo/Ladino, don't know/none of the above, other (please specify)?”. This question allows the State to collect data disaggregated by ethnic origin at a more granular level.

21. To ensure the availability of accurate and up-to-date statistics, the National Institute of Statistics has included a set of questions related to gender, age and geographic location by department and rural/urban area in the continuous multipurpose household survey. This allows for the generation of sound socioeconomic and demographic indicators and contributes significantly to better-informed and more effective decision-making.

<sup>34</sup> Judicial branch, case summary, case No. AP-82-19. Accessed on 19 October 2023. Available at <https://jurisprudencia.poderjudicial.gob.hn/ConsultaHN/PDFAmparo.aspx?opcion=1@=15258>.

<sup>35</sup> Public Prosecution Service, “Fiscalía de las Etnias presenta requerimiento fiscal por usurpación de tierras de la Tribu Liguigue” (Special Prosecutor's Office files charges of encroachment on lands belonging to the Liguigue tribe) (30 October 2023). <https://n9.cl/lutr3>.

<sup>36</sup> National Institute of Statistics/UNFPA, 2023–2033 National Strategy for the Development of Statistics in Honduras, p. 5. <https://n9.cl/lits6>.

22. In coordination with the Ministry of Health and with assistance from the European Union and technical and financial support from the United Nations Children's Fund (UNICEF), in 2019 the National Institute of Statistics conducted a national population and health survey/multiple indicator cluster survey with the aim of collecting information on the health situation and social determinants of health of children under 5 years of age, children and adolescents between 5 and 17 years of age, women between 15 and 49 years of age and men between 15 and 59 years of age; data on fertility, general health and reproductive health; nutritional status of children; infant mortality; HIV/AIDS; domestic violence; morbidity; housing indicators; use of services; health expenditures; and demographic indicators of the Honduran population. In addition, the survey data will be used to verify drinking water quality and salt iodization.

23. The 2019 survey also contains indicators disaggregated by ethnic origin, gender, age, department and urban/rural area.<sup>37</sup>

24. According to the data collected in the 2013 national population and housing census conducted by the National Institute of Statistics, the total population of Indigenous and Afro-Honduran people is 717,618, of whom 356,517 are men and 361,101 are women, distributed as follows.

**Number of Indigenous and Afro-Honduran people nationwide, according to the most recent census (2013)**

<i>People</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Maya-Chortí	16 702	16 554	33 256
Lenca	226 646	227 025	453 672
Miskito	38 914	41 093	80 007
Nahua	3 099	3 240	6 339
Pech	2 954	3 071	6 024
Tolupán	9 782	9 250	19 033
Tawahka	1 348	1 342	2 690
Garifuna	20 091	23 021	43 111
English-speaking black	6 086	6 251	12 337
Other	30 897	30 254	61 151
<b>Total</b>	<b>356 517</b>	<b>361 101</b>	<b>717 618</b>

*Source:* National Institute of Statistics, 2013 national population and housing census.

25. On the efforts made to develop human rights and socioeconomic indicators, the Ministry of Human Rights, through the Human Rights Observatory, collects information and statistical data on Indigenous and Afro-Honduran peoples, using information provided by State institutions, and makes these data publicly accessible.<sup>38</sup>

26. To obtain statistical information for measuring the impact of public policies adopted for the benefit of vulnerable sectors of the population, including Indigenous and Afro-Honduran peoples, the Human Rights Observatory follows up on all actions carried out by the Government in the field of human rights. The information thus obtained is used in the preparation of government reports and the development of government actions, initiatives relating to the Sustainable Development Goals and national priorities.

27. For this purpose, the Human Rights Observatory has information on Indigenous and Afro-Honduran people from the 2013 national population and housing census, disaggregated by department and municipality. It also has indicators from the 2019 national population and health survey/multiple indicator cluster survey on the percentage of women who have felt discriminated against or harassed, disaggregated by ethnicity of the head of household;

<sup>37</sup> The data are publicly available at <https://n9.cl/svt2b>.

<sup>38</sup> Available at the following link: <https://odh.sedh.gob.hn/>.



percentage of men who have felt discriminated against or harassed; under-5 mortality rate, disaggregated by ethnicity of the head of household; school enrolment nationwide among Indigenous and Afro-Honduran people; percentage of schoolchildren by grade, disaggregated by ethnicity of the head of household; and progress in meeting the Sustainable Development Goals.<sup>39</sup>

28. It should be noted that, according to the Human Rights Observatory, data from the 2019 national population and health survey/multiple indicator cluster survey show that 12 per cent of Indigenous and Afro-Honduran women between the ages of 15 and 49 years reported that over the previous 12 months they had felt discriminated against or harassed for various reasons: religion or beliefs (5 per cent), age (3 per cent), gender and ethnic origin or immigration status (2 per cent), disability and sexual orientation (1 per cent). They also cited various reasons that were grouped under “other” (4 per cent).<sup>40</sup>

29. In addition, 10 per cent of Indigenous and Afro-Honduran men reported that they had felt discriminated against or harassed for the following reasons: religion or beliefs (5 per cent), age (3 per cent), ethnic origin or immigration status (2 per cent), gender and disability (1 per cent), sexual orientation (0.5 per cent). They also cited various reasons that were grouped under “other” (2 per cent).

## **Legislative measures (arts. 1 and 4)**

### **Recommendation contained in paragraph 11**

30. With regard to the prohibition of racial discrimination in accordance with article 1 of the Convention, the current Criminal Code<sup>41</sup> defines the offences of refusal to provide a public service on discriminatory grounds; refusal to provide a service in the exercise of professional or business activities on discriminatory grounds; and incitement to discrimination on the grounds of ideology, religion or belief, language, ethnicity or race, national origin, membership of an Indigenous or Afrodescendent people, sex, sexual orientation or gender identity, gender, civil status, family or economic situation, age, illness or disability.<sup>42</sup>

31. By establishing the offence of labour discrimination, the same Code penalizes discrimination committed in both public and private workplaces against any person for reasons related to legal or trade union representation of workers or to ideology, religion or beliefs, language, ethnicity or race, national origin, membership of an Indigenous or Afrodescendent people, place of residence, sex, sexual orientation, gender identity, gender, civil status, family or economic situation, age, illness, disability or pregnancy.<sup>43</sup>

32. Perpetrators are liable to 1 to 2 years’ imprisonment and a day fine equivalent to 100 to 200 days’ income. If the perpetrator is a public official, he or she is also liable to specific disqualification from public employment or office for twice the duration of the prison sentence. Otherwise, the individual will be disqualified from working in his or her profession, trade, industry or business for the same period of time.<sup>44</sup>

33. The Indigenous and Afro-Honduran Groups Liaison Committee of the National Congress also developed a strategic plan and agenda for the period 2022–2025, which aims to:

- (a) Promote unity and coordination among those peoples, particularly the Lenca, Garifuna and Miskito peoples;

<sup>39</sup> Human Rights Observatory. Indigenous Peoples and persons of African descent. Accessed on 2 November 2023 at <https://n9.cl/j8jay>.

<sup>40</sup> Ibid.

<sup>41</sup> Legislative Decree No. 130-2017, published in *La Gaceta* No. 34,940 of 10 May 2019.

<sup>42</sup> Ibid., arts. 211, 212 and 213.

<sup>43</sup> Ibid., art. 295.

<sup>44</sup> Ibid.

- (b) Eliminate obstacles to the realization of the right to free, prior and informed consultation in line with international human rights standards;
- (c) Expand the political participation of Indigenous and Afro-Honduran people;
- (d) Put forward land regularization legislation focused on the ancestral peoples historically affected by dispossession (the Miskito, Tawahka and Garifuna peoples);
- (e) Propose and follow up, in the legislative and executive context, laws, programmes and investments designed to enhance the exercise of economic, social, cultural and environmental rights by Indigenous and Afro-Honduran peoples;
- (f) Ensure that the Liaison Committee has the necessary capacity to play a role in analysis and decision-making in the National Congress for the benefit of Indigenous and Afro-Honduran peoples.

## **Office of the National Commissioner for Human Rights (art. 2)**

### **Recommendation contained in paragraph 13**

34. With regard to increased efforts to ensure that the Office of the National Commissioner for Human Rights is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and pays due regard to the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, the Office of the National Commissioner for Human Rights is the national human rights institution, has constitutional status, is compliant with the Paris Principles and is therefore the appropriate mechanism for overseeing implementation of the Convention.

35. In 2019, the Office received international accreditation from the Global Alliance of National Human Rights Institutions and was upgraded to A status.

## **Institution-building (art. 2)**

### **Recommendation contained in paragraph 15**

36. With regard to restoring the status of the Directorate for Indigenous and Afro-Honduran Peoples to that of a Ministry and ensuring that it is broadly representative of the Indigenous and Afro-Honduran peoples, the Ministry of Social Development was established in 2022 and replaced the former Ministry of Development and Social Inclusion. The National Coordination Office for Indigenous and Afro-Honduran Peoples, which replaced the former Directorate for Indigenous and Afro-Honduran Peoples, is part of the new Ministry. Its purpose is to research, design, formulate and develop public policies regarding the State's relationship with Indigenous and Afro-Honduran peoples and their rights, drawing on its expertise to develop programmes and projects to be implemented by the competent bodies.<sup>45</sup>

37. The main functions of the National Coordination Office for Indigenous and Afro-Honduran Peoples include:<sup>46</sup>

- (a) Supporting the Directorate of Public Policies;
- (b) Ensuring that Afro-Honduran and Indigenous issues are included on the agenda of the Ministry of Social Development;
- (c) Coordinating with the Directorate of Strategic Monitoring and the Follow-up Unit regarding development and social protection policies related to Afro-Honduran and Indigenous issues;

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<sup>45</sup> Executive Decree No. PCM-19-2022, published in *La Gaceta* No. 35,999 of 11 August 2022, art. 7.

<sup>46</sup> Ministry of Social Development, "Atribuciones de CONAPOA" (Powers of the National Coordination Office for Indigenous and Afro-Honduran Peoples). Accessed on 26 October 2023 at <https://sedesol.gob.hn/conapoa/>.

(d) Supporting various State institutions in ensuring that plans, projects or initiatives aimed at Indigenous and Afro-Honduran peoples are socially and culturally appropriate;

(e) Coordinating the prior consultations referred to in ILO Convention No. 169 that are requested by other State institutions and involve legislative or administrative measures that may directly affect Indigenous and Afro-Honduran peoples;

(f) Developing plans, programmes and projects for inter-institutional coordination or international cooperation related to Indigenous and Afro-Honduran peoples and submitting them to the Ministry of Social Development for approval;

(g) Supporting Indigenous and Afro-Honduran peoples with technical assistance and training;

(h) Coordinating the development of an information system on Afro-Honduran and Indigenous issues to serve as a consultation and decision-making tool.

38. In addition, one of the aims of the Ministry of Cultures, Arts and Heritage of the Peoples of Honduras is to develop public policies consistent with the national identity and respectful of diversity that promote and preserve ancestral roots and promote, protect and ensure full access to culture, art and heritage for all citizens.<sup>47</sup>

### **Structural discrimination (arts. 1, 2 and 5)**

#### **Recommendation contained in paragraph 17 (a)**

39. With regard to ensuring the effective implementation of the 2016–2026 Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples,<sup>48</sup> the National Coordination Office for Indigenous and Afro-Honduran Peoples is currently developing a new public policy against racism and racial discrimination that more fully addresses issues concerning Indigenous and Afro-Honduran peoples, since the Public Policy against Racism and Racial Discrimination addressed only two specific aspects affecting those peoples, such as socioeconomic development, and did not address the fight against racism and discrimination.<sup>49</sup>

40. Accordingly, in 2023, the Ministry of Social Development, through the National Centre for Public Policy Studies, began the drafting and dissemination process with the support of all sectors concerned and with communities of Indigenous and Afro-Honduran peoples.

41. Consultations conducted with the participation of organizations of Indigenous and Afro-Honduran peoples, 54 strategic actors from seven ministries, the Committee on Ethnic Groups of the National Congress, international cooperation agencies and academia resulted in a document on the foundation for the development of a new comprehensive public policy for Indigenous and Afro-Honduran peoples.

#### **Recommendation contained in paragraph 17 (b)**

42. To ensure the effective implementation of social programmes for poverty reduction, taking into account inequality gaps and the specific needs of Indigenous and Afro-Honduran peoples in order to reduce poverty and levels of inequality that affect them, taking into account the Sustainable Development Goals, in August 2022 the Government of President Xiomara Castro implemented the Our Roots Programme, which is overseen by the Ministry

<sup>47</sup> Executive Decree No. PCM-19-2022, art. 4.

<sup>48</sup> Executive Decree No. PCM-027-2016, published in *La Gaceta* No. 34,031 of 12 May 2016.

<sup>49</sup> Ministry of Social Development/National Centre for Public Policy Studies/National Coordination Office for Indigenous and Afro-Honduran Peoples/Laboratory for Innovations in Development and Social Protection Policy, “Bases para la construcción de una nueva política pública integral hacia los pueblos originarios y afro hondureños” (Foundation for the development of a new comprehensive public policy for Indigenous and Afro-Honduran peoples) (July 2023). Accessed on 30 October 2023 at <https://n9.cl/bkxlo>.

of Social Development with support from over 20 State institutions and was developed with the participation of more than 300 leaders of organizations of Indigenous and Afro-Honduran peoples.<sup>50</sup>

43. Our Roots was developed to assist Indigenous and Afro-Honduran peoples and promote their engagement with a platform for State services and projects and international cooperation, so as to guarantee the social, political, economic and cultural development of their communities and respect for and enjoyment of their territorial and ancestral rights, in order to advance the construction of an inclusive, multi-ethnic, multicultural and multilingual Honduras.

44. The Programme has six components: (i) citizen participation and governance of Indigenous and Afro-Honduran peoples; (ii) advocacy and legal instruments for Indigenous and Afro-Honduran peoples; (iii) intercultural education and ancestral knowledge; (iv) basic infrastructure and access to public services; (v) improvement of production structures and food security; (vi) culture and socioeconomic development: entrepreneurship and businesses with community relevance.<sup>51</sup>

45. Through its second component, advocacy and legal instruments for Indigenous and Afro-Honduran peoples, the Our Roots Programme envisages the drafting of a general law for the recognition of Indigenous Peoples; the defence of property and ancestral rights regarding land and territory, the world view of Indigenous Peoples, tangible and intangible cultural heritage, the environment and common goods; and the recognition and revitalization of the languages of those peoples, among other rights, in compliance with ILO Convention No. 169.

46. As part of the implementation of the Our Roots Programme, the National Coordination Office for Indigenous and Afro-Honduran Peoples has taken the following actions:

- (a) Awarded 200 scholarships to Indigenous and Afro-Honduran people;
- (b) Provided technical support to the Solidarity Action Programme for the delivery of cash transfers to women diagnosed with breast cancer and persons over 65 years of age, humanitarian aid packages, family baskets, wheelchairs, hygiene kits, medicine kits for older persons and school supplies and uniforms;
- (c) Gathered inputs for the development of the comprehensive public policy for Indigenous and Afro-Honduran peoples by establishing a list of identified needs with the participation of the Lenca and Maya-Chortí populations of the Departments of La Paz, Intibucá, Lempira, Cortés and Atlántida. The Office has also raised awareness of the inputs gathered and the list of the Lenca and Maya-Chortí peoples' needs;
- (d) Supported the National School Supplies Programme, which delivers school supplies to target groups of vulnerable persons, including Indigenous and Afro-Honduran peoples.

## **Prior consultation (arts. 2 and 5)**

### **Recommendation contained in paragraph 19 (a)**

47. With regard to developing and adopting, in consultation with the Indigenous and Afro-Honduran peoples, a procedure and methodology that guarantees their right to be consulted, the institutions that make up the Inter-Institutional Commission for Compliance with International Judgments, created in 2016 by Executive Decree No. 01-2016,<sup>52</sup> are drafting a road map for the development of a law on free, prior and informed consultation;

<sup>50</sup> Ministry of Social Development press release, 4 August 2022, "Gobierno de la República recibe a los pueblos afrohondureños en el marco del lanzamiento del Programa 'Nuestras Raíces'" (Government of the Republic meets with Afro-Honduran peoples as part of the launch of the Our Roots Programme). Accessed on 1 November 2023 at <https://n9.cl/i3wn8>.

<sup>51</sup> Ibid.

<sup>52</sup> Executive Decree No. 01-2016, published in *La Gaceta* No. 34,209 of 10 December 2016.

the Ministry of Human Rights analysed the extent to which the preliminary draft was in line with international treaties and mapped the legislation in need of amendment. The aim is to guarantee the right of Indigenous and Afro-Honduran peoples to free, prior and informed consultation.

48. Likewise, in May 2022, the Ministry of Labour and Social Security, with technical assistance from the United Nations Development Programme (UNDP) and ILO, developed a comprehensive strategy on training and the promotion of spaces for interaction with Indigenous and Afro-Honduran peoples, taking a rights-based approach and focusing on social participation. The project received an investment of US\$ 500,000. Its goal is to support the dissemination strategy with a view to the development and establishment of a mechanism for the realization of the right of Indigenous and Afro-Honduran peoples to free, prior and informed consultation.

49. The results of this project were twofold:

(a) A dialogue was held with Indigenous and Afro-Honduran peoples on the development of an action plan for the implementation of ILO Convention No. 169;

(b) The capacity of the Ministry of Labour and Social Security to promote local interaction spaces for conflict resolution was strengthened.

50. Other aims, in coordination with the Committee on the Prevention of Social Conflicts that advises the Ministry of Human Rights, include garnering the participation of the nine Indigenous and Afro-Honduran peoples of Honduras and translating ILO Convention No. 169 into their languages and raising awareness of it.

#### **Recommendation contained in paragraph 19 (c)**

51. With regard to guaranteeing the right of Indigenous and Afro-Honduran peoples to be consulted with a view to obtaining their free, prior and informed consent regarding economic development, energy, tourism and infrastructure projects as well as projects involving the exploitation of natural resources that may affect their territories and resources, President Xiomara Castro's 2022–2026 Government Plan for Rebuilding Honduras provides for the right of rural communities, Indigenous Peoples and people of African descent to free, prior and informed consultation on all agricultural projects to be carried out by the State or by domestic or foreign private companies.

52. Although there is currently no law on consultations, in 2018, a consultation was held with the DIUNAT Miskitu Territorial Council in Brus Laguna, Department of Gracias a Dios. A total of 435 participants from the Araslaya, Kusuapaika, Twuitanta and Brus Laguna communities were consulted about the implementation and installation site of a photovoltaic energy project.

53. Since the consultation yielded positive results, the project was rolled out under the poverty reduction strategy, with financial support from IDB. It was carried out through the Programme for Electrification in Remote Rural Areas, which is overseen by the National Electricity Company.

54. In August 2023, President Xiomara Castro inaugurated the solar power plant,<sup>53</sup> which consists of 741 solar panels and a 400-kilowatt (kW) photovoltaic system with 420 kW of energy storage capacity. This involved an investment of 115.7 million lempiras (L) and provided 14,000 inhabitants of the municipality of Brus Laguna, Gracias a Dios, with direct or indirect access to electricity.

55. In March 2023, the Ministry of Human Rights, the Ministry of Energy and the National Electricity Company established a technical committee on energy for the prevention

<sup>53</sup> Channel 8, "Gobierno inaugura en La Mosquitia el Programa de Electrificación Rural en Lugares Aislados" (Government inaugurates the Programme for Electrification in Remote Rural Areas in La Mosquitia) (8 August 2023). Accessed on 2 November 2023 at <https://n9.cl/89vyu>.

of conflicts in energy projects.<sup>54</sup> The Ministry of Human Rights also held a workshop to discuss the joint development of strategies to address social conflicts in the energy sector.<sup>55</sup>

## **Lands, territories and natural resources (arts. 2 and 5)**

### **Recommendation contained in paragraph 21 (a)**

56. With regard to the mechanism to enable ancestral lands and territories to be claimed and restored and the protection of the rights of Indigenous and Afro-Honduran peoples, in June 2023 President Xiomara Castro created the Commission for Agrarian Security and Access to Land, which is composed of the National Agrarian Institute, the Property Institute, the Ministry of Social Development, the Ministry of Security, the Ministry of Defence, the National Congress, the Public Prosecution Service and the judiciary.<sup>56</sup> It was created to make legal security and access to land a State policy and to end the neglect of the agricultural sector since 2009, when Legislative Decree No. 18-2008 was declared unconstitutional.<sup>57</sup>

57. To ensure that peasants and Indigenous and Afro-Honduran peoples have access to land, the Commission is mandated *inter alia* to:<sup>58</sup>

- (a) Begin an exhaustive investigation of properties that have been legally registered by the Property Institute and the National Agrarian Institute;
- (b) Settle fair compensation yet to be paid under Legislative Decree No. 18-2008;
- (c) Promote and protect the productive role of forests.

58. Following the restructuring of the public administration under the Solidarity Government, it is important to mention the National Sustainable Rural Development Programme.

59. The Programme<sup>59</sup> is a decentralized agency attached to the Ministry of Agriculture and Livestock, along with other related programmes. Its aim is to help improve the quality of life of rural communities through human, social, environmental and productive development, based on self-management and community participation, focusing on the sustainable management of natural resources and emphasizing aspects that reduce environmental vulnerability and strengthen social participation processes, especially within communities.

### **Recommendation contained in paragraph 21 (b)**

60. With regard to guaranteeing the rights of Indigenous and Afro-Honduran peoples to possess, use and develop their lands, territories and resources, since 2022 the Ministry of

<sup>54</sup> Ministry of Energy, “Comienza preparación de mesa técnica para prevención de conflictos en proyectos energéticos” (Preparation of the technical committee for conflict prevention in energy projects begins) (24 February 2023). “Gobierno instala mesa de prevención y abordaje de conflictos sociales en el sector energético” (Government establishes committee to prevent and address social conflicts in the energy sector) (16 March 2023). Accessed on 17 November 2023 at <https://n9.cl/77qms>; <https://n9.cl/0di83>.

<sup>55</sup> Ministry of Energy, “Mesa técnica de resolución de conflictos fortalece sus capacidades con nuevos conocimientos” (Technical committee for conflict resolution strengthens its capacities with new knowledge) (24 July 2023). Accessed on 17 November 2023 at <https://n9.cl/a752z>.

<sup>56</sup> *Poder Popular*, “Comisión de Seguridad Agraria y Acceso a la Tierra definen estrategias de trabajo” (Commission for Agrarian Security and Access to Land sets out working strategies) (19 June 2023). Accessed on 2 November 2023 at <https://n9.cl/nwb1u>.

<sup>57</sup> *Poder Popular*, “Comisión de Seguridad Agraria y Acceso a la Tierra resolverá problemática en el país, asegura director del INA” (Commission for Agrarian Security and Access to Land will resolve issues in the country, says director of the National Agrarian Institute) (6 June 2023). Accessed on 2 November 2023 at <https://n9.cl/1se4k>.

<sup>58</sup> *Poder Popular*, “Conoce las acciones del Gobierno para ordenar el acceso a la tierra” (Here is what the Government is doing to regulate land access) (6 June 2023). Accessed on 2 November 2023 at <https://n9.cl/ar6nc1>.

<sup>59</sup> Legislative Decree No. 12-2000, published in *La Gaceta* on 5 May 2000.

Human Rights has coordinated State responses by setting up inter-institutional committees on the prevention and management of social conflicts.

61. The National Inter-Institutional Committee on the Prevention and Management of Social Conflicts is a forum for analysing and addressing national conflicts regarding land, territory and migration, especially their impact on highly vulnerable populations, and provides coordinated solutions and follow-up to conflicts through its member institutions.

62. The National Inter-Institutional Committee, with assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Honduras, formulated the Inter-Institutional Coordination Protocol on Land, Territory and Environmental Conflicts. In November 2023, the Ministry of Human Rights launched the protocol alongside the institutions that participated in its development.<sup>60</sup>

63. A protocol on conflict and forced evictions was developed to coordinate response and follow-up efforts in eviction cases affecting Indigenous and Afro-Honduran peoples. A protocol on forced displacement and its impact on vulnerable populations was also developed with advice from the Office of the United Nations High Commissioner for Refugees (UNHCR), with a view to preventing social conflict and displacement in the future.

64. Likewise, in November 2023, 16 inter-institutional committees on the prevention and management of social conflicts were established at the departmental level to respond to land tenure issues affecting Indigenous and Afro-Honduran peoples.

65. To strengthen the technical capacities of public officials from the institutions members of expert committees on the prevention of social conflict, the Ministry of Human Rights conducted the following training activities:

(a) Workshop for the development of the inter-institutional coordination protocol for the management of agrarian conflict by the National Committee on the Prevention of Conflicts, held on 14 December 2022 by the Ministry of Human Rights and OHCHR;<sup>61</sup>

(b) Workshop on addressing agrarian conflict with a gender and human rights approach, held on 23 August 2023 by the Ministry of Human Rights with assistance from OHCHR;<sup>62</sup>

(c) Workshop on analysis of social conflict, delivered in July 2022 by UNDP and the Directorate for Preventive Risk Management in Relation to Human Rights Violations and Social Conflict of the Ministry of Human Rights;<sup>63</sup>

(d) Diploma in Conflict Resolution, Peace and Development, offered by the Ministry of Human Rights and the different institutions of the National Inter-Institutional Committee on the Prevention and Management of Social Conflicts, with technical support

<sup>60</sup> Ministry of Human Rights (17 November 2023). Accessed on 17 November 2023 at <https://n9.cl/qve1r>.

<sup>61</sup> Ministry of Human Rights, “Informe de contribuciones del Estado de Honduras sobre el asesinato de cinco personas defensoras del derecho a la tierra, el territorio y/o el medio ambiente en el transcurso del año 2023, para la CIDH de conformidad con el artículo 41 de la Convención Americana sobre Derechos Humanos” (Information from the State of Honduras on the murder of five defenders of the right to land, territory and/or the environment during 2023, submitted to the Inter-American Commission on Human Rights in accordance with article 41 of the American Convention on Human Rights).

<sup>62</sup> Ministry of Social Development, “La SEDESOL acompañó iniciativa interinstitucional para buscar soluciones frente a la conflictividad territorial histórica” (Ministry of Social Development supports inter-institutional initiative to find solutions to historical territorial conflict) (23 August 2022). Accessed on 23 November 2023. Available at <https://n9.cl/f7cl7>.

<sup>63</sup> Directorate General of the Merchant Navy, “Taller Formativo para el Análisis de Conflictos Sociales” (Training workshop on analysis of social conflict). Accessed on 23 November 2023. Available at <https://n9.cl/oq4jm>.

from UNDP.<sup>64</sup> On this occasion, 26 public officials became certified as trainers of trainers in conflict resolution, peace and development;

(e) Diploma in Conflict Resolution, Peace and Development, delivered by the Ministry of Human Rights from August to December 2019, with technical support from UNDP. A total of 28 public officials representing 16 government ministries and institutions participated.<sup>65</sup>

66. The Inter-Institutional Technical Committee of Indigenous and Afro-Honduran Peoples was also established as a participatory forum, made up of interdisciplinary work teams responsible for collecting, analysing, developing and implementing proposals for solutions to the problems and needs of Indigenous and Afro-Honduran peoples.

67. In 2022, the Ministry of Human Rights supported the inhabitants of the Lenca Indigenous community of Tierras del Padre, interceding in the eviction of over 100 families living in the area.<sup>66</sup> In this case, on 9 February 2022, the Ministry provided humanitarian aid and prevented their eviction from Tierras del Padre. It also filed a legal opinion with the judiciary to ensure that the eviction order complied with international standards.<sup>67</sup>

68. The Ministry of Human Rights provided advice to the National Police regarding standards on the use of force and forced evictions of Indigenous communities.<sup>68</sup>

69. In order to seek agreements and consensus aimed at ending conflict in the Bajo Aguán area, Department of Colón, the creation of a tripartite commission to investigate human rights violations in the area was announced. The commission is composed of the Office of the President, OHCHR and international lawyers nominated by the land reform network Plataforma Agraria.<sup>69</sup>

70. Furthermore, meetings have been held with the Plataforma Agraria branch in Aguán, the Municipal Committee for the Defence of Common and Public Goods and the Coordinating Committee of Community Organizations pursuant<sup>70</sup> to the Agreement signed on 22 February 2022 between the Government of President Xiomara Castro, the peasant organizations that make up Plataforma Agraria and the Coordinating Committee.<sup>71</sup>

71. In November 2023, the Property Institute, through the Directorate General of Registries and UNHCR, reviewed the Institute's manual on the harmonization of criteria for the registration of real estate, published in 2022, in order to incorporate protections for the housing, land and property rights of persons who have been or are at risk of being internally displaced by violence.<sup>72</sup>

<sup>64</sup> UNDP, "Inauguración de diplomado en Resolución de Conflictos, Paz y Desarrollo" (Launch of the Diploma in Conflict Resolution, Peace and Development) (27 May 2022). Accessed on 23 November 2023. Available at <https://n9.cl/mro1m>.

<sup>65</sup> UNDP, "Funcionarios de instituciones estatales culminan diplomado en resolución de conflictos" (Officials of government institutions complete diploma in conflict resolution) (30 January 2020). Accessed on 23 November 2023 at <https://n9.cl/qqafy>.

<sup>66</sup> Ministry of Human Rights press release, 11 February 2022, "En el caso del desalojo de pobladores de Tierras del Padre: La SEDH no interviene en el Poder Judicial, es una competencia de acuerdo con la Ley y un mandato soberano" (Eviction of residents of Tierras del Padre: The Ministry of Human Rights is not interfering with the judiciary, only exercising its powers in accordance with the law and a sovereign mandate). Accessed on 23 November 2023. Available at <https://n9.cl/judoy>.

<sup>67</sup> Inter-American Commission on Human Rights, *Annual Report 2022*. Chapter V: Follow-up of recommendations issued by the IACHR in its country or thematic reports: Honduras, p. 993. Available at [https://www.oas.org/en/iachr/docs/annual/2022/Chapters/13-IA2022\\_Cap\\_5\\_HO\\_EN.pdf](https://www.oas.org/en/iachr/docs/annual/2022/Chapters/13-IA2022_Cap_5_HO_EN.pdf).

<sup>68</sup> Ministry of Human Rights, 2022 annual report.

<sup>69</sup> *Poder Popular*, issue No. 15 published on 15 August 2022, p. 4. Available at <https://n9.cl/8bxtp>.

<sup>70</sup> Accessed on 8 March 2023. Available at <https://n9.cl/fhrmr>.

<sup>71</sup> *Poder Popular*, issue No. 15 published on 15 August 2022, pp. 7–17. Agreement between the Government of President Xiomara Castro and the peasant organizations that make up the Plataforma Agraria of Aguán, signed on 22 February 2022.

<sup>72</sup> Accessed on 15 November 2023 at <https://n9.cl/xzzk1>.



### Recommendation contained in paragraph 21 (c)

72. With regard to giving full effect to the judgments of the Inter-American Court of Human Rights in the cases of the *Garifuna Punta Piedra Community* and the *Garifuna Triunfo de la Cruz Community*, in March 2021 the Inter-American Court of Human Rights held a public hearing on compliance with both judgments, after which it issued an order on the following operative paragraphs yet to be implemented: (i) publication and broadcasting of the judgments; (ii) creation of a community development fund; (iii) adoption of measures to ensure that mining regulations do not impair the right to consultation; (iv) conduct of a public act of acknowledgement of international responsibility; and (v) reimbursement of costs and expenses.<sup>73</sup>

73. The Inter-American Court of Human Rights found that the State had fully complied with operative paragraph 9 of the judgment in the *Triunfo de la Cruz* case and operative paragraph 14 of the judgment in the *Punta Piedra* case, regarding the publication and broadcasting of the judgments and their official summaries. It also indicated that the State had partially complied with the creation of community development funds for the benefit of the members of both communities, as accounts totalling \$816,200.64 have been opened for both communities, which constitutes just over half of the amount ordered in operative paragraph 13 of the judgment in the *Triunfo de la Cruz* case and operative paragraph 12 of the judgment in the *Punta Piedra* case.

74. It also decided to continue monitoring compliance with the following measures of reparation contained in operative paragraphs 10, 13 and 14 of the judgment in the *Case of the Garifuna Community of Triunfo de la Cruz and its Members* and operative paragraphs 12, 15 and 19 of the judgment in the *Case of the Punta Piedra Garifuna Community and its Members*:

- (a) Conduct of a public act of acknowledgement of international responsibility;
- (b) Creation of a community development fund for the benefit of the members of the community;
- (c) Adoption of sufficient and necessary measures to ensure that mining regulations do not impair the right to consultation;
- (d) Reimbursement of costs and expenses.<sup>74</sup>

75. With the support of the Organización Fraternal Negra Hondureña (Fraternal Black Organization of Honduras), the State is currently working on a project to amend the decree creating the Inter-Institutional Commission for Compliance with International Judgments to make it more operational and to progressively comply with the recommendations, judgments and other international commitments of the State with respect to all the Garifuna communities of Honduras, with the ongoing participation of those communities.

76. Furthermore, the institutions members of the Inter-Institutional Commission for Compliance with International Judgments are preparing a report of the Honduran Institute of Geology and Mines on best practices and challenges.

### Development of economic projects (art. 6)

#### Recommendation contained in paragraph 23 (a)

77. With regard to ensuring that environmental studies are conducted as part of the prior consultation process, in line with the international standards cited in ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples, a broad consultation process was conducted with the DIUNAT Miskitu Territorial Council in Brus Laguna, Gracias a Dios, regarding the implementation and siting of a photovoltaic energy project.

<sup>73</sup> Inter-American Court of Human Rights, Monitoring of compliance with judgments in the *Case of the Punta Piedra Garifuna Community and its Members v. Honduras* and the *Case of the Garifuna Community of Triunfo de la Cruz and its Members v. Honduras*, order, 30 April 2021. Available at <https://n9.cl/3o82b>.

<sup>74</sup> Ibid.

During this consultation, the populations of the Araslaya, Kusuapaika, Twuitanta and Brus Laguna communities were informed about the benefits and impact of the project.

78. The Solidarity Government has adopted measures on mining to ensure that the right to free, prior and informed consultation of Indigenous and Afro-Honduran peoples is not undermined. In this regard, and in line with President Xiomara Castro's 2022–2026 Government Plan for Rebuilding Honduras, the country was declared free of open-pit mining on 28 February 2022.<sup>75</sup> The Ministry of Natural Resources and the Environment has also cancelled permits for extraction activities that are harmful to the State of Honduras, threaten natural resources and public health and limit access to water as a human right. Likewise, following the adoption of a mining moratorium on metallic and non-metallic exploration, environmental licences, permits and concessions will be reviewed, monitored and cancelled. Actions will be taken in natural areas of high ecological value to ensure their conservation and preserve common benefits.<sup>76</sup>

## Human rights defenders (arts. 2, 5 and 6)

### Recommendation contained in paragraph 25 (a)

79. With regard to measures to prevent acts of violence against persons who defend human rights, the rights of Indigenous and Afro-Honduran peoples, the environment and territory and to ensure the effective implementation of the Act on the Protection of Human Rights Defenders, Journalists and Other Media Professionals, and Justice Officials,<sup>77</sup> the Public Prosecution Service had to adapt its organizational structure to create an Office of the Special Prosecutor for the protection of the fundamental rights of this vulnerable group.

80. In this regard, the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials<sup>78</sup> was established in 2018 to exercise prosecutorial action in the investigation and prosecution of offences committed against this social sector by employees, civil servants, public officials or any other persons in violation of their individual rights, owing to their advocacy work and promotion of human rights and freedom of expression.

81. Between 2016 and 11 September 2023, the National Mechanism for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials, through the Prevention and Context Analysis Unit, ordered 58 protection and prevention measures involving the training of police officers of the Ministry of Security on the use of protection measures, their scope and the use of force. A total of 58 cases were addressed, including 30 individual cases and 28 collective cases.

82. Among the individual cases, 21 measures were taken in respect of men and 9 in respect of women. The cases recorded in this period were distributed in the following departments: 1 in Atlántida, 7 in Choluteca, 7 in Colón, 2 in Comayagua, 1 in Cortés, 25 in Francisco Morazán, 4 in Intibucá, 2 in La Paz, 1 in Lempira, 3 in Santa Bárbara, 1 in Valle and 4 in Yoro.

83. As of 2023, 185 active protection measures are in place, according to the Directorate General of the Protection System; 138 of them pertain to human rights defenders. Of the total number of human rights defenders with protection measures, 49 are environmental defenders, 29 are defenders of the right to land, 19 are defenders of the rights of Indigenous and Afro-Honduran peoples and 11 are water defenders.

<sup>75</sup> Bio Diversidad LA, "Honduras se declara 'país libre de minería a cielo abierto'" (Honduras declares itself a "country free of open-pit mining") (2 March 2022). Accessed on 23 November 2023 at <https://n9.cl/jp01t>.

<sup>76</sup> Ministry of Natural Resources and the Environment, press release, 28 February 2022.

<sup>77</sup> Legislative Decree No. 34-2015, published in *La Gaceta* on 15 May 2015.

<sup>78</sup> Decision No. FGR-002-2018, published in *La Gaceta* No. 34,593 of 15 March 2018.

**Recommendation contained in paragraph 25 (b)**

84. With regard to ensuring that all reports of attempted killings and acts of violence against human rights defenders, including leaders of Indigenous and Afro-Honduran peoples, are investigated in a comprehensive, impartial and effective manner, so that the perpetrators are prosecuted and duly sanctioned, on 14 November 2023 authorities from the Ministry of Human Rights held a meeting with the interim Attorney General of the Public Prosecution Service in order to address and advance the investigation and arrest of those responsible for the murder of human rights defenders and environmental activists in cases that have not been effectively investigated. They also called for investigations into cases of violent deaths of peasants in the Bajo Aguán area. In addition, the Protection Mechanism presented a list of persons who had been granted protection measures since June, noting that, between 2022 and November 2023 alone, investigations had stalled in more than 20 cases.<sup>79</sup>

85. Between 2017 and 2022, the Office of the National Commissioner for Human Rights, through the Office of the Ombudsman for a Healthy Environment and Indigenous and Afro-Honduran Peoples, received 47 complaints of threats and murders against human rights defenders, environmental defenders and land defenders. In 2022 alone, it recorded four threats against five male environmental defenders and one against a female environmental defender. This prompted the Office of the National Commissioner for Human Rights to express concern about the criminalization of defenders and the high risk and violence involved in advocacy work in recent years.<sup>80</sup>

**Recommendation contained in paragraph 25 (c)**

86. To strengthen the National Protection Mechanism in accordance with the law<sup>81</sup> and its regulations,<sup>82</sup> in 2022 the new authorities of the Ministry of Human Rights conducted a baseline study on the state of the Mechanism. Their findings included the following:

- (a) Lack of budgetary funding;
- (b) Failure to consistently update beneficiary case files;
- (c) Undocumented internal processes;
- (d) Staff with little engagement with the target population, leading to complaints and dissatisfaction on the part of beneficiaries;
- (e) Failure to respond to cases promptly and appropriately, leading to criminal complaints against former employees of the Mechanism;
- (f) The National Protection Council met with civil society representatives who had withdrawn from their positions in accordance with the law.

87. To remedy the situation, authorities from the Ministry of Human Rights decided to restructure the Mechanism, providing it with resources and professionally trained staff from civil society organizations working in different disciplines. The new staff were required to have experience in human rights and be able to comprehensively respond to the situation of beneficiaries, restore the Mechanism's credibility and improve the quality of the service provided to the target population. This demonstrates the State's commitment to strengthening the National Protection Mechanism.

88. Thus, in 2022, the Ministry of Human Rights, as the administrative body responsible for the Mechanism, made arrangements with the Ministry of Finance for the approval of a

<sup>79</sup> *Poder Popular*, "SEDH solicita a fiscal Johel Zelaya retomar unos 20 casos engavetados de personas defensoras" (Ministry of Human Rights requests Attorney General Johel Zelaya to reopen some 20 stalled cases involving human rights defenders) (14 November 2023). Accessed on 24 November 2023 at <https://n9.cl/3lwm7>.

<sup>80</sup> Office of the National Commissioner for Human Rights, "Informe Anual: Situación de los derechos humanos en Honduras y la gestión institucional durante 2022" (Annual Report: Human rights situation in Honduras and work of the Office in 2022), p. 96. Accessed on 30 October 2023 at <https://n9.cl/7dnxc>.

<sup>81</sup> Legislative Decree No. 34-2015, published in *La Gaceta* No. 33,730.

<sup>82</sup> Executive Decision No. 59-2016, published in *La Gaceta* No. 34,117.

budget of L 20 million for the National Protection Mechanism to ensure the implementation of protection measures during 2022.<sup>83</sup>

89. To ensure effective care for the beneficiaries of the Mechanism's protection measures, professionals from different disciplines, such as lawyers, journalists and social communicators, psychologists, social workers and a nurse, were hired to provide services through a multidisciplinary approach. In addition, communication with beneficiaries of protection measures was resumed in order to improve the quality of services.<sup>84</sup>

90. In 2022 the Prevention and Context Analysis Unit of the Directorate General of the Protection System was strengthened through 20 self-protection courses, 9 prevention workshops on security, 2 trainings on identifying threats and vulnerabilities, 8 prevention plans and 1 contextual analysis.<sup>85</sup>

91. To expand and guarantee comprehensive services to beneficiaries of the National Protection Mechanism, the Directorate General of the Protection System has entered into the following inter-institutional partnerships:

(a) Agreement between the Directorate General of the Protection System and the Women's City Programme for the referral of cases and primary, psychological, sexual and reproductive health-care services for women;

(b) Agreement with Médecins du Monde to strengthen the psychological first aid capacities of staff of the operational units of the Directorate General of the Protection System;

(c) Partnership with OHCHR and ProDerechos on technical support for staff of the National Protection Mechanism through training and technical assistance for the operational units of the Directorate General of the Protection System.

#### **Recommendation contained in paragraph 25 (d)**

92. With regard to the organization of information and awareness-raising campaigns on the crucial work undertaken by human rights defenders with a view to creating a climate of tolerance in which they can perform their work free from all forms of intimidation, threats and reprisals, in March 2022 the Solidarity Government, through the Ministry of Social Development, paid a tribute called *Me lo dijo el río* (The river told me so) as part of a commemoration to mark six years since the murder of the defender, Indigenous leader and environmentalist Berta Cáceres, a symbol of national resistance, in order to recognize her importance to the modern history of Honduras and the legacy of her struggle against de facto groups and the use of transnational capital for extractive purposes.<sup>86</sup>

93. For its part, the Ministry of Human Rights has issued a series of public statements condemning acts of violence against human rights defenders and has urged the Ministry of Security to adopt appropriate and effective measures to protect the life and physical integrity of human rights defenders, such as improved police protection measures.<sup>87</sup> It has also urged the Public Prosecution Service and the judiciary to conduct investigations immediately, with guarantees of impartiality, due diligence, scientific analysis and the full identification of those responsible. The Inter-American Commission on Human Rights has taken note of the statements issued by the Ministry of Human Rights.<sup>88</sup>

<sup>83</sup> Ministry of Human Rights, "Informe de Gestión Administrativa en el Mecanismo Nacional de Protección. Primer trimestre de 2022" (Report on the Administrative Management of the National Protection Mechanism. First quarter, 2022). Available at <https://n9.cl/v2r8po>.

<sup>84</sup> Ministry of Human Rights, 2022 annual report. <https://n9.cl/buifi>.

<sup>85</sup> Ibid.

<sup>86</sup> Ministry of Social Development, "Gobierno de la República rinde homenaje 'Me lo dijo el río' en honor a Berta Cáceres" (Government of the Republic pays tribute "The river told me so" in honour of Berta Cáceres) (7 March 2022). Accessed on 9 November 2023 at <https://n9.cl/xbr9nn>.

<sup>87</sup> Legislative Decree No. 34-2015, published in *La Gaceta* No. 33,730.

<sup>88</sup> Inter-American Commission on Human Rights press release, 14 February 2023, "IACHR Condemns Murders of Rights Defenders in Honduras". Available at [https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media\\_center/PReleases/2023/022.asp&utm\\_content=country-hnd&utm\\_term=class-mon](https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2023/022.asp&utm_content=country-hnd&utm_term=class-mon).

94. In November 2023, the Inter-American Commission on Human Rights, at its 188th session, held a thematic hearing on the National Protection Mechanism,<sup>89</sup> with the participation of representatives of the Government and the following civil society organizations: ACI Participa, Asociación de Jueces por la Democracia, Centro de Derechos de Mujeres, Center for Justice and International Law, Comité de Familiares Desaparecidos Detenidos en Honduras, Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa, Consejo Cívico de Organizaciones Populares e Indígenas de Honduras, Diakonia, Equipo de Reflexión Investigación y Comunicación-SJ, Equipo Jurídico por los Derechos Humanos, Front Line Defenders, Movimiento Amplio por la Dignidad y la Justicia, World Organisation against Torture and International Platform against Impunity, as well as OHCHR.

95. The President of the Commission at its 188th session, Roberta Clarke, praised the efforts of the Ministry of Human Rights and recognized its work in strengthening the National Protection Mechanism. Representatives of the Government reiterated the State's determination to create the conditions necessary for the effective functioning of the Mechanism and requested the Commission to provide technical assistance in strengthening it.<sup>90</sup>

## La Mosquitia (arts. 2 and 5)

### Recommendation contained in paragraph 27 (a)

96. Public policies have been adopted for the benefit of the Miskito people because, in years gone by, this group has suffered the effects of marginalization, discrimination, the failure to implement comprehensive public policies with a human rights-based approach and a lack of supervision and protection of their labour rights.

97. Aimed at promoting economic development in La Mosquitia, the sixth and final component of the Our Roots Programme – under the title “Culture and socioeconomic development: entrepreneurship and businesses with community relevance” – sets out four projects with the following goals:

(a) To ensure, in collaboration with the National Entrepreneurship and Small Businesses Service and the Business Development Centre, a comprehensive and inclusive approach to the entrepreneurship projects undertaken by Indigenous and Afro-Honduran peoples in the five Indigenous and Afro-Honduran areas of the following regions: La Mosquitia, Valles de Lean, Valle de Sula, Lempa and Nombre de Dios;

(b) To ensure funding to promote entrepreneurship activities in keeping with the world view of Indigenous and Afro-Honduran peoples;

(c) To coordinate intersectoral efforts to obtain funding, seed capital, solidarity loans and subsidies to promote artisanal projects and tourism initiatives (hotels, lodges and restaurants) with the aim of promoting comprehensive and sustainable development based on incentives and entrepreneurship;

(d) To promote the creation of rural financial cooperatives (solidarity banks) and cooperative enterprises run by Indigenous and Afro-Honduran peoples.

98. The National Entrepreneurship and Small Businesses Service is creating a road map for services for Indigenous and Afro-Honduran peoples, including the creation of rural financial cooperatives, support for the regularization of microenterprises and the provision of technical assistance to entrepreneurs in La Mosquitia and the other areas mentioned above.<sup>91</sup>

<sup>89</sup> “PGR participa en el 188º Período de Sesiones de la CIDH” (Counsel General’s Office participates in the 188th Session of the Inter-American Commission on Human Rights) (8 November 2023). Accessed on 17 November 2023 at <https://n9.cl/c30e9>.

<sup>90</sup> Inter-American Commission on Human Rights, summaries of public hearings annexed to press release No. 266/23, 188th session, p. 5. Available at <https://n9.cl/il4xw9>.

<sup>91</sup> *Poder Popular*, “SENPRENDE como parte del programa ‘Nuestras Raíces’, crea ruta de trabajo para atender al sector Afrohondureño y pueblos indígenas” (National Entrepreneurship and Small

99. In May 2022, the Solidarity Government received an ILO direct contacts mission in follow-up to the conclusions adopted by the Conference Committee on the Application of Standards at the 110th session of the International Labour Conference. The purpose of the mission was to open a dialogue with all the actors involved in ensuring compliance with ILO Convention No. 169 and to assess the progress made on the ground in carrying out actions to protect and safeguard the rights of Indigenous and Afro-Honduran peoples.

100. From 10 to 13 April 2023, in accordance with the recommendations of the direct contacts mission, the Ministry of Labour and Social Security conducted a visit to the Department of Gracias a Dios under the title “Strengthening labour oversight in the Honduran area of La Mosquitia, specifically the municipality of Puerto Lempira”.

101. The Solidarity Network of the Ministry of Social Development aims to reduce poverty and extreme poverty through programmes and projects for vulnerable populations identified using the State’s social information systems and technical tools.

102. In May 2023, the Ministry set up an inter-institutional working group to strengthen the work of the Solidarity Network with rural production banks in order to promote the development of Indigenous and Afro-Honduran peoples and rural communities.<sup>92</sup>

103. As the maritime authority of Honduras and a member of the Inter-Institutional Commission to Address and Prevent the Problems Associated with Dive Fishing, the Directorate General of the Merchant Navy is responsible for ensuring maritime safety, controlling and regulating maritime traffic and protecting the marine environment. The institution has 13 harbour offices nationwide, including 2 in La Mosquitia (in the municipalities of Brus Laguna and Puerto Lempira).

#### **Recommendation contained in paragraph 27 (b)**

104. As part of the measures adopted to improve the working conditions of Miskito divers, the Inter-Institutional Commission to Address and Prevent the Problems Associated with Dive Fishing,<sup>93</sup> chaired by the National Coordination Office for Indigenous and Afro-Honduran Peoples of the Ministry of Social Development, deals with the issues faced by artisanal dive fishers who have suffered decompression accidents and by the families of those who have died in the course of their work.<sup>94</sup> In 2020, the Inter-Institutional Commission adopted its rules of procedure, which specify that its aim is to address and prevent the problems associated with dive fishing.<sup>95</sup>

105. Between 2017 and 2019, 372 members of Miskito communities received training in a variety of areas from the National Institute for Vocational Training. The subject most in demand was safe diving. In 2019, the National Institute also trained over 30 people in Puerto Lempira to become eco-guards.

106. The Ministry of Labour and Social Security adopted Executive Decision No. STSS-577-2020, which contains the Occupational Safety and Health Rules for Deep-Sea Dive Fishing. In order to care for divers with decompression sickness and improve working conditions for divers in La Mosquitia, a visit was conducted to establish operational processes, gather information and strengthen the offices of the Ministry of Labour and Social Security in Puerto Lempira. The following activities were carried out during the visit:

(a) An introductory discussion on occupational medicine with practical analysis of real cases;

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Businesses Service creates road map for Indigenous and Afro-Honduran peoples as part of the Our Roots Programme) (10 August 2022). Accessed on 2 November 2023 at <https://n9.cl/ahqqn>.

<sup>92</sup> Ministry of Social Development, “Gobierno habilita financiamiento de 7.5 millones de lempiras para Cajas Productivas” (Government approves L 7.5 million in financing for production banks) (23 May 2023). Accessed on 2 November 2023 at <https://n9.cl/q68z0>.

<sup>93</sup> Executive Decree No. PCM-003-2012.

<sup>94</sup> Directorate General of the Merchant Navy. Inter-Institutional Commission to Address and Prevent the Problems Associated with Dive Fishing. Accessed on 20 November 2023 at <https://n9.cl/orp1d>.

<sup>95</sup> Inter-Institutional Commission decision No. CIAPEB-001-2018, art. 1.

(b) A coordination meeting with the secretary of the Asociación de Misquitos Hondureños de Buzos Lisiados (Association of Disabled Honduran Miskito Divers);

(c) Training in the Occupational Safety and Health Rules for Deep-Sea Dive Fishing and discussion on decompression sickness and its effects on workers' health. A total of 101 people took part in the training (97 men and 4 women), including active divers, intermediaries who hire divers, diving instructors and representatives of the above-mentioned association;

(d) Home visits and structured interviews with a sample of active divers and divers with disabilities for the purpose of socioeconomic studies;

(e) Monitoring of the implementation of the Empléate-Plus Programme;

(f) Diagnostic analysis for the implementation of the Sí Empleo Programme and the Temporary Work Abroad Programme with a view to sending participants to the United States of America, Mexico and Spain.

107. In addition, the Ministry of Labour and Social Security held meetings with the administrator of the hospital in Puerto Lempira to request the support of the doctors tasked with assessing and treating divers affected by occupational hazards. The aim was to make sure that, during assessments, all the necessary information was gathered to issue a medical opinion in a timely manner while the workers were still on site, and to check that medical supplies were being delivered to the hospital.

108. During the visit in April 2023, labour inspectors from the Ministry of Labour and Social Security assessed the cases of two divers who had suffered from decompression sickness. They also visited the hyperbaric chamber and the social work area in the hospital.

109. In accordance with the recommendations contained in the first report on the technical diagnostic analysis of labour issues in La Mosquitia, concerning occupational health and safety and the prevention of disabilities resulting from occupational hazards and work accidents, the Ministry's staff in Tegucigalpa have supported training processes in Kaukira, Gracias a Dios. In addition, they have spoken to more than 50 people about the issue of occupational health and safety.

110. On 30 March 2023, in compliance with the operative section of the judgment issued in August 2021 by the Inter-American Court of Human Rights in the *Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras*, the Government of President Castro carried out a public act of acknowledgement of international responsibility and commitment to non-repetition and undertook to guarantee the rights of Miskito divers.<sup>96</sup> In addition, a sum of more than L 700,000 was allocated to the Decompression Sickness Clinic for the improvement of facilities, the purchase of medical supplies and the strengthening of the care offered to divers with disabilities. Arrangements were made for the acquisition of two hyperbaric chambers.

111. In application of the Occupational Safety and Health Rules for Deep-Sea Dive Fishing, the Directorate General of the Merchant Navy, the Ministry of Labour and Social Security, the Ministry of Health and the Ministry of Agriculture and Livestock, through the Directorate General of Fisheries and Aquaculture and the Honduran Navy, as the authorities charged with conducting inspections of fishing vessels in port and at sea, ensure that such vessels are in optimal condition for maritime navigation and that they do not pose a risk to human life. They also assess the occupational hazards associated with this activity.<sup>97</sup>

112. The Honduran Social Security Institute, with the support of ILO and the Euroempleo programme, is working on a study concerning a project aimed at expanding social security coverage to improve indicators in La Mosquitia.

<sup>96</sup> *Poder Popular*, "Estado de Honduras realizó acto de reconocimiento de la responsabilidad internacional y no repetición en el caso Buzos Misquitos" (Government of Honduras carries out public act of acknowledgement of international responsibility and commitment to non-repetition in *Miskito Divers* case) (30 March 2023). Accessed on 2 November 2023 at <https://n9.cl/nc63x>.

<sup>97</sup> Executive Decision No. STSS-577-2020, arts. 1, 3, 13 and 14–32.

113. In addition, the National Coordination Office for Indigenous and Afro-Honduran Peoples of the Ministry of Social Development is carrying out the following actions:

- (a) Collection of socioeconomic information forms to enable the delivery of cash transfers to Miskito divers with disabilities and their families;
- (b) Production of a documentary on Miskito divers;
- (c) Creation of offices to support Miskito divers with disabilities;
- (d) Use of socioeconomic information forms to channel benefits to Miskito divers with disabilities and family members of deceased divers; to date, 3,600 forms have been used for this purpose.

#### **Recommendation contained in paragraph 27 (c)**

114. In the period 2022–2023, with the aim of strengthening the Directorate General of Labour Inspection of the Ministry of Labour and Social Security, the Directorate General of the Merchant Navy certified eight labour inspectors to carry out inspections at sea following their participation in a maritime safety course. In addition, in September 2022, the Directorate General of the Merchant Navy carried out the basic national maritime safety course for officials from the Ministries of Labour, Health and Human Rights who are inspectors of the Inter-Institutional Commission to Address and Prevent the Problems Associated with Dive Fishing.<sup>98</sup>

115. In 2022, the Commission and World Vision certified 11 inspectors (including 2 women) to supervise and improve dive fishing conditions in La Mosquitia following a practical workshop on maritime safety. The subjects addressed during the workshop included the responsibilities and competencies of the institutions linked to the Commission, the first safe diving guide, the United Nations Declaration on the Rights of Indigenous Peoples, ILO Convention No. 169 and the friendly settlement mechanism.<sup>99</sup>

116. Between July and September 2023, within the framework of the Commission, officials and inspectors from the Ministry of Labour and Social Security, the Ministry of Health, the Directorate General of Fisheries and Aquaculture of the Ministry of Agriculture and Livestock and the Directorate General of the Merchant Navy carried out ordinary inspections of deep-sea fishing vessels in port and at sea and drew up comprehensive, detailed reports with the aim of verifying compliance with labour regulations at the ports from which fishing vessels set sail. A total of 79 fishing vessel reports were issued, and the sanctions and procedures established in the Occupational Safety and Health Rules for Deep-Sea Dive Fishing were applied.

117. Between 1 January and 31 August 2023, the Directorate General of Labour Inspection conducted 12,311 labour inspections throughout the country.

### **Identity documents (arts. 2 and 5)**

#### **Recommendation contained in paragraph 29**

118. The National Registry Office has taken the following measures to increase birth registration in remote and border areas of the country:

- (a) As part of the UNICEF National Registry Office Programme, the “Birth Registration, A Right for All” campaign was implemented by mobile brigades in the municipalities of Dulce Nombre de Culmí, Department of Olancho, and Juan Francisco Bulnes, Department of Gracias a Dios;

<sup>98</sup> Directorate General of the Merchant Navy. Inter-Institutional Commission to Address and Prevent the Problems Associated with Dive Fishing.

<sup>99</sup> Ministry of Social Development, “CIAPEB y Visión Mundial certifican a inspectores para supervisar y mejorar las condiciones de pesca por buceo en la Mosquitia” (Inter-Institutional Commission and World Vision certify inspectors to supervise and improve dive fishing conditions in La Mosquitia) (28 April 2022). Accessed on 2 November 2023 at <https://n9.cl/647rr>.



(b) An auxiliary civil registry service was established at the Puerto Cortés Hospital in the north-west region near the border with Guatemala, providing timely access to birth registration for newborns. A total of 678 births were registered there in 2019;

(c) Within the framework of the Civil Identity Registration Rate Improvement Project of the Universal Civil Identity Program in the Americas, run by the Organization of American States, birth and identity registration brigades were sent to Northern Triangle border areas. The brigades focused on the villages of Limón, San Andrés and Plisito in the municipality of Catacamas, Department of Olancho, and the municipality of Trojes, Department of El Paraíso, all of which are found near the border with the Republic of Nicaragua;

(d) A total of 92 municipal registrars from the Departments of La Paz, Intibucá, Lempira and Santa Bárbara received training within the context of the roll-out of the early childhood strategy in 2019. The purpose of these meetings is to effectively uphold the rights of children and adolescents by ensuring that they have been registered at municipal registry offices, especially in rural border areas.

119. In recent years, the National Registry Office has made the immediate registration of all births a priority, while promoting and facilitating the registration of Indigenous and Afro-Honduran children who were not registered at birth. Thanks to the use of mobile brigades and the opening of new offices in border areas, registrations rose by 20 per cent. The Office also established auxiliary services at various hospitals.

120. With respect to the issuance of identity documents in the border areas known as “Bolsones”, within the framework of the ruling handed down by the International Court of Justice, registration brigades have been deployed in partnership with the Ministry of the Interior, Justice and Decentralization with the aim of upholding the right to dual nationality of the inhabitants of the border areas between Honduras and El Salvador, specifically members of the communities of Palo Blanco and Mesetas in the municipality of Santa Elena, Department of La Paz, and the community of Zazalapa, Department of Lempira.

121. In 2022, 42 people from the community of Palo Blanco and 9 people from the community of Mesetas, Opatoro, Department of La Paz, were registered. A total of 41 certificates were issued in this area. In addition, in 2023, 13 people from the community of Zazalapa, Department of Lempira, were registered and 66 certificates were issued.

122. Once the applicant receives authorization from the Ministry to register for dual nationality, the National Registry Office enters the necessary information in the register of births and the register of citizens, and generates his or her national identity card.

123. In 2020, under the “Identify Yourself” (Identifícate) project, the Office updated its records of personal information and vital statistics in order to issue new national identity cards. As a result, it created:

(a) The first registry database of Indigenous and Afro-Honduran peoples, enabling individuals, for the first time, to identify themselves as members of the communities to which they belong;

(b) The first registry database of persons over 18 years of age with disabilities;

(c) The first registry database of organ donors.

124. Mobile registration units were deployed under the “Identify Yourself” project with the aim of identifying inhabitants of remote areas of the country and vulnerable people without the means to travel. A total of 5.4 million people were provided with proper identification.<sup>100</sup> The new national identity cards were used during the general elections of 2021.

125. Since 2021, in order to uphold the right to proper identification of members of the Miskito, Tawahka, Pech and Garifuna peoples, the National Registry Office has been

<sup>100</sup> National Registry Office/United Nations Development Programme, *Proceso de identificación nacional de mayores de edad en Honduras* (National identification process for adults in Honduras), 2022. Available at <https://n9.cl/4oi5f>.

implementing a project in the Department of Gracias a Dios to correct and update the information recorded in birth and death registers between 1957 and 2019.

## Right to health (art. 5)

### Recommendation contained in paragraph 31

126. Regarding action to achieve universal health coverage, in line with target 1.4 of the Vision for the Country (Achieve 95 per cent health coverage at all levels of the system)<sup>101</sup> and the overall outcome of the Institutional Strategic Plan 2018–2022 (Achieve 88 per cent coverage of the health services network), the Ministry of Health made the following advances in relation to the three components of the National Health Policy in 2022:<sup>102</sup>

(a) As of September 2022, of the 104 prioritized municipalities, 92 municipalities in 15 departments remained under the decentralized system because 2 municipalities in the Department of Valle (Langue and San Francisco de Coray) returned to the centralized network of the Ministry of Health;

(b) Of the estimated population in 2022, 1,652,207 inhabitants (17.2 per cent of the total population) had primary care coverage under the decentralized system;

(c) In 2022, 41 integrated health services networks were operating, or 59 per cent of the baseline (70 networks), and 2 more networks were operating under centralized management (the Jicarito network in Francisco Morazán and the Danlí network in El Paraíso) compared to 2021;

(d) Twenty-one health facilities received the status of polyclinic. In 2022, there were nine operating in Santa Rosa, Copán; Siguatepeque, Comayagua; Santa Rita, Yoro; El Triunfo, Choluteca; Nacaome, Valle; Catacamas, Olancho; Márcala, La Paz; La Ceiba, Atlántida; Alonzo Suazo, Metropolitan Region of the Central District; and Miguel Paz Barahona, San Pedro Sula;

(e) According to the Directorate General of Integrated Health Services Networks, 390 family health teams were serving the population of underprivileged municipalities. The Directorate reported that there were 19 fewer family health teams in 2022 than there had been in 2021 because the municipality of Yorito had been placed under the centralized system and its family health teams were no longer active;

(f) There were 25 hospitals under centralized management and 7 under decentralized management, of which 2 were fee-paying (Santo Hermano Pedro Hospital and San Juan de Dios Hospital in Olancho).

127. In 2022, the budget allocated to the Ministry of Health was increased to L 22,251,332,416.00, of which L 20,322,028,076.66 was implemented, which amounts to 92.62 per cent of the current budget.<sup>103</sup>

128. Decentralized management is financed through both national and external funding. In 2022, the budget of the Ministry of Health allocated to decentralized management amounted to L 1,878,147,992.00 (L 862,354,336.00 for primary health care and L 1,015,793,656.00 for secondary health care).

## Right to education (art. 5)

### Recommendation contained in paragraph 33 (a)

129. Regarding measures to guarantee Indigenous and Afro-Honduran children's and adolescents' right to education and to increase the number of schools and the quality of

<sup>101</sup> Legislative Decree No. 286-2009, published in *La Gaceta* No. 32,129 of 2 February 2010.

<sup>102</sup> Ministry of Health/Management Planning and Evaluation Unit. Annual report 2022, pp. 7 and 8.

<sup>103</sup> Ministry of Health/Management Planning and Evaluation Unit. Annual report 2022, p. 14.

infrastructure in rural areas, between 2018 and June 2023, there were 23,756 educational centres nationwide, of which 92 per cent were public and 8 per cent were independent.<sup>104</sup>

130. As of 2022, 1,223 bilingual intercultural education centres had been established throughout the country. The following table shows the total number of bilingual intercultural education centres, disaggregated by department and year.

<i>Department</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>
Atlántida	28	28	28	28
Colón	41	41	41	41
Comayagua	55	55	56	57
Copán	108	107	104	105
Cortés	46	46	45	46
Francisco Morazán	118	119	119	119
Gracias a Dios	246	247	246	245
Intibucá	110	110	110	110
Islas de la Bahía	55	54	54	54
La Paz	86	86	86	86
Lempira	35	35	35	35
Ocotepeque	67	67	67	67
Olancho	74	74	73	74
Santa Bárbara	107	100	106	111
Yoro	45	45	45	45
<b>Total</b>	<b>1 221</b>	<b>1 214</b>	<b>1 215</b>	<b>1 223</b>

*Source:* Unit of the National Education Information System of Honduras, Ministry of Education.

131. The school infrastructure programme – which entails the construction, repair, renovation, extension, equipping and furnishing of preschool, primary and secondary schools – is implemented by the Honduran Social Investment Fund.

#### **Recommendation contained in paragraph 33 (b)**

132. Regarding measures to reduce dropout rates among Indigenous and Afro-Honduran children and adolescents, the National School Meals Programme,<sup>105</sup> which is attached to the Solidarity Action Programme,<sup>106</sup> reaches 21,000 education centres located in 281 of the 298 municipalities (17 of the 18 departments). Thanks to the investment of US\$ 42,204,240, a total of 1,217,131 children and adolescents have received hot meals and 94,531 Indigenous and Afro-Honduran children and adolescents have been provided with fortified food adapted to their gastronomic culture.<sup>107</sup>

**The following table shows the percentage of Indigenous and Afro-Honduran children and adolescents who have benefited, disaggregated by the people to which they belong:**

<i>People</i>	<i>Percentage of children and adolescents reached</i>
Garifuna	26 per cent
Lenca	26 per cent

<sup>104</sup> Ministry of Education, Unit of the National Education Information System of Honduras, 15 June 2023.

<sup>105</sup> Legislative Decree No. 125-2016, published in *La Gaceta* No. 34,380.

<sup>106</sup> Executive Decree No. PCM-20-2020.

<sup>107</sup> Instagram account of the Ministry of Social Development. Accessed on 2 November 2023 at <https://n9.cl/tszj5>.

<i>People</i>	<i>Percentage of children and adolescents reached</i>
Miskito	25 per cent
Chortí	8 per cent
English-speaking black	7 per cent
Tolupán	4 per cent
Nahua	2 per cent
Pech	1 per cent
Tawahka	1 per cent

*Source:* Ministry of Social Development.

133. President Xiomara Castro participated in the first global summit of the School Meals Coalition, which took place in Paris, France, on 18 and 19 October 2023. The President pointed out that the aim of the National School Meals Programme was to uphold the universal right of all children and adolescents to food, education and health.<sup>108</sup>

134. In addition, the Solidarity Scholarship Programme<sup>109</sup> was set up in 2023 under the aegis of the Ministry of Social Development to improve access to higher education at both the undergraduate and postgraduate levels. Under the programme, priority is given to vulnerable people, such as Indigenous and Afro-Honduran peoples, children of persons with disabilities, single mothers, human rights defenders, persons of limited financial means and targeted populations of the 2,007 villages covered by the Solidarity Network.<sup>110</sup>

135. In 2022, the Ministry of Social Development also announced, on behalf of the Solidarity Government, plans to establish the first-ever scholarship programme for Indigenous and Afro-Honduran peoples. The purpose of the programme is to integrate Indigenous and Afro-Honduran people into the public higher education system by granting 200 national scholarships of L 6,000 per month to students belonging to Indigenous and Afro-Honduran peoples.<sup>111</sup>

#### **Recommendation contained in paragraph 33 (c)**

136. With respect to bilingual intercultural education<sup>112</sup> and plans for the promotion and preservation of cultural identity, the Subdirectorate of Education for Indigenous and Afro-Honduran Peoples of the Ministry of Education has launched a competitive process to recruit teachers of Indigenous Peoples in order to preserve their mother tongues. This process is intended for teachers with bilingual intercultural education degrees who belong to particular Indigenous Peoples, depending on the region where the vacancy has arisen.

137. A series of institutional strategic plans are currently being drafted, which will include programmes and strategies designed to preserve and promote Indigenous and Afro-Honduran culture in different social sector institutions such as the Ministry of Cultures, Arts and Heritage of the Peoples of Honduras, the Honduran Social Investment Fund and the Ministry of Education, reflecting the priorities set out in the Government Strategic Plan. These

<sup>108</sup> Ministry of Social Development, “Programa de Alimentación Escolar beneficia a más de un millón de niñas y niños en Honduras” (School Meals Programme benefits over a million children in Honduras) (18 October 2023). Accessed on 23 October 2023 at <https://n9.cl/sc25bk>.

<sup>109</sup> Executive Decree No. PCM-09-2023, published in *La Gaceta* No. 36,151 of 9 February 2023.

<sup>110</sup> Ministry of Social Development, “Poblaciones priorizadas del programa Becas Solidarias” (Priority groups under the Solidarity Scholarship Programme) (28 July 2023). Accessed on 2 November 2023 at <https://n9.cl/imnpg>.

<sup>111</sup> Ministry of Social Development, “La SEDESOL lanzó el primer Programa de Becas para los Pueblos Indígenas y Afrohondureños, en el marco del Día Internacional de los Pueblos Indígenas” (Ministry launches first scholarship programme for Indigenous and Afro-Honduran peoples as part of the International Day of the World’s Indigenous Peoples) (2 August 2022). Accessed on 14 April 2023 at <https://n9.cl/9elje>.

<sup>112</sup> Legislative Decree No. 93-97 of 22 June 1997.

institutional strategic plans will be submitted for approval by the Ministry of Strategic Planning.

138. The aim of bilingual intercultural education is to reduce the high absenteeism, failure and repetition rates that have resulted from the imposition of education that does not take into account the cultural and linguistic values of culturally distinct populations. In harmony with bilingual intercultural education, the basic national school curriculum is focused on the technical educational process in order to improve the quality of Indigenous education, the aim of which is to improve the living conditions of Indigenous and Afro-Honduran peoples.<sup>113</sup>

#### **Recommendation contained in paragraph 33 (d)**

139. With respect to stepping up efforts to eradicate illiteracy, the Ministry of Education is implementing the “Yes I Can” (Yo Sí Puedo) national literacy programme, the goal of which is to reduce the proportion of adults who cannot read or write to 5 per cent.

### **Political participation (art. 5)**

#### **Recommendation contained in paragraph 35**

140. With respect to measures to guarantee political participation and ensure equality of opportunity for persons belonging to Indigenous and Afro-Honduran peoples in public administration, the State has put in place various strategies and initiatives to strengthen the political participation of such persons. The strategies are being implemented by the gender and inclusion teams of the National Electoral Council, including through workshops on the participation and political influence of Indigenous and Afro-Honduran peoples, gender perspective and social oversight, supported by UNDP, the European Union and the Spanish Agency for International Development Cooperation.

141. There are currently six Indigenous and Afro-Honduran representatives in the National Congress, of whom five are Garifuna and one is Miskito.

### **Multiple forms of discrimination (arts. 5 and 6)**

#### **Recommendation contained in paragraph 37 (a)**

142. Regarding the measures taken to incorporate a gender perspective into public policies to combat racial discrimination and to benefit women, under the 2022–2026 Government Plan for Rebuilding Honduras, the State will plan all its economic, social, security and environmental policies and activities with a view to achieving equitable social development, in accordance with three cross-cutting themes: gender, human rights and transparency.

143. The incorporation of a gender perspective into planning and budgeting will have a strategic impact on the achievement of these objectives, which, in turn, are aimed at advancing gender equality.

144. Accordingly, the Solidarity Government has restructured the public administration and established the Ministry of Women’s Affairs,<sup>114</sup> which promotes gender-sensitive budget planning and analysis, thereby demonstrating and giving tangible effect to the commitment of State institutions to fulfilling international and national undertakings in the area of gender equity and equality. In addition, policies and budget allocations aimed at upholding women’s human rights have been implemented.

145. The Ministry of Women’s Affairs carries out advocacy work and provides technical assistance and expert advice to public institutions on the mainstreaming of a gender

<sup>113</sup> Ministry of Education, “Taller sobre la construcción de la metodología para atender a jóvenes de los pueblos indígenas” (Workshop on building a methodology for serving Indigenous youth). Accessed on 14 April 2023 at <https://n9.cl/nd7m9>.

<sup>114</sup> Executive Decree No. PCM-05-2022.

perspective in public policies. Since its establishment, 54 gender units have been set up in the public administration and their staff have been sworn in.

146. In budgetary matters, the Ministry of Finance and the Ministry of Women's Affairs have led a national initiative on gender budgeting in cooperation with civil society organizations, the women's and feminist movement and international cooperation agencies.

147. The methodological guidelines on gender mainstreaming in public planning and budgeting, issued in 2024, provide technical and operational guidance on the planning and budgeting process in coordination with the Ministry of Strategic Planning. It is intended that different State agencies will incorporate and apply these guidelines in their 2024 planning and budgeting processes.

148. Within the Working Group on Gender-Sensitive Budgeting, the Ministry of Women's Affairs has begun organizing information and training sessions on chapter V of the 2023 budget provisions, specifically those relating to the establishment of municipal boards on gender-sensitive budgeting, with the different State institutions. The goal is for municipal corporations to carry out planning and budgeting with a gender perspective and promote programmes, projects or municipal services that are fully accessible to women and respect their human rights throughout the life cycle and in the different areas of their lives, with a focus on violence prevention.

149. The Ministry of Women's Affairs has been working on various public policy instruments aimed at progressive gender mainstreaming in State institutions, including:

(a) The third Gender Equality and Justice Plan of Honduras, covering the period 2023–2033, which takes an intercultural and intersectional approach throughout and sets forth policy actions and measures promoting gender equality and justice for Indigenous and Afro-Honduran women;

(b) The 2023–2033 National Plan to Combat Violence against Women and Girls.

150. The following information relates to the measures taken during the reporting period to eliminate barriers that all women face in accessing and fully enjoying their rights.

151. In compliance with the obligation to uphold the sexual and reproductive rights of women, in March 2023, President Xiomara Castro and the Minister of Health signed Executive Decision No. 75-2023 guaranteeing access to and the use, purchase and sale of emergency contraceptive pills, thereby nullifying Executive Decision No. 2744-2009, which had prohibited them.<sup>115</sup>

152. On 18 August 2022, further to a request by the Ministry of Women's Affairs, the Honduran Society of Gynaecology and Obstetrics of the Honduran Medical Association issued an opinion stating that emergency contraceptive pills do not induce abortions and do not prevent the implantation of a fertilized egg, since they have no effect on the endometrium, and concluding that there are no known medical contraindications to their use.

153. To eradicate structural discrimination, the Ministry of Women's Affairs has taken affirmative action in the form of the local governance intervention strategy to help end the structural racial discrimination faced by Indigenous and Afro-Honduran people. The strategy has a gender focus and is aimed at bolstering the economic, political and physical autonomy of Indigenous women in Lenca areas.

154. In the area of education, the Ministry of Women's Affairs is working with the Ministry of Education to ensure compliance with article 15 of the general provisions of the 2023 budget regarding the implementation of the Purple Scholarship Programme for girls, young women and women living in poverty, as an affirmative action aimed at strengthening their education and literacy.

155. Regarding education for employment, between 2018 and 2019, the National Institute for Vocational Training provided training to 189,397 women in areas such as business,

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<sup>115</sup> Executive Decision No. 75-2023, published in *La Gaceta* No. 36,174.

tourism, digital literacy and the maquila sector. Of the people trained over that period, more than 270 were Indigenous or Afro-Honduran.

**Total number of women who received training per year in the regions served by the National Institute for Vocational Training**

*Number of women trained, disaggregated by region and year*

Region	2018	2019
Centre	82 644	34 001
North-west	34 814	22 788
Atlantic coast	5 814	2 084
South	3 525	1 039
Olancho	2 187	502
<b>Total</b>	<b>128 984</b>	<b>60 413</b>

*Source:* National Institute for Vocational Training – Honduran Recommendations Monitoring System.

156. The National Institute for Vocational Training provides training to women at the six centres run under the Women’s City Programme, training more than 8,600 women between 2017 and 2019.

157. Regarding women’s empowerment through employment, between 2018 and 2019, 2,572 property titles were granted to women. In addition, 711 rural women’s cooperatives were established and 4,127 women received assistance for cashew, technified corn, improved pasture, vegetable, African palm, fish farming and micro-irrigation projects under the Production Projects Programme.

158. In November 2022, the Ministry of Women’s Affairs established partnerships with the Regulatory Office for Contracting and Procurement of the State of Honduras and the Ministry for Transparency and the Fight against Corruption. The aim is to promote the “Sello Mujer” (Women-Led Businesses) project, which encourages public procurement from women-led businesses. A working group has also been set up under the project.

159. In coordination with the International Organization for Migration, the Ministry of Labour and Social Security works to promote the implementation of the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The Convention addresses labour discrimination, access and admission to employment and vocational training, and equality of opportunity and treatment in respect of employment.

160. With a view to eradicating poverty and extreme poverty, which mainly affect Indigenous and Afro-Honduran women, the Office of the President established the Solidarity Network Programme,<sup>116</sup> targeting 2,007 villages affected by extreme poverty, including villages with Indigenous or Afro-Honduran populations. Through the services offered by this inter-institutional programme, and the network itself, the Government helps these populations to enter a virtuous circle of human development.

**Recommendation contained in paragraph 37 (c)**

161. Regarding access to justice and appropriate protection mechanisms in cases of gender-based violence, the Public Prosecution Service runs specialized comprehensive care centres that provide specialized care to minors, women, pregnant women, older persons and persons with disabilities in units nationwide.

162. The Inter-Agency Commission for Monitoring Investigations of Violent Deaths of Women and Femicides, led by the Ministry of Human Rights, is advocating the adoption of

<sup>116</sup> Executive Decree No. PCM-08-2022.

a bill on purple alerts, which would establish an early warning strategy to expedite the search for missing women.<sup>117</sup>

163. To provide comprehensive and appropriate care for women and girls who are victims and survivors of sexual violence, on 6 December 2022, the Ministry of Health issued a protocol for the comprehensive care of victims of sexual violence in order to provide public and private health service providers with expert guidance on comprehensive and timely care. In addition, workshops have been held to train physicians, psychologists and sexologists on the application of the protocol.<sup>118</sup>

164. The Directorate for the Protection of Persons Internally Displaced as a Result of Violence, which is part of the Ministry of Human Rights, provides care and protection with a gender-sensitive and differentiated approach to persons who have been internally displaced as a result of violence, in application of the Act for the Prevention of Internal Displacement and the Protection and Care of Internally Displaced Persons.

<i>Number of cases handled by the Directorate, disaggregated by year and gender</i>						
<i>Year</i>	<i>Men</i>	<i>Women</i>	<i>Boys</i>	<i>Girls</i>	<i>LGTBIQ+</i>	<i>Total</i>
2018	5	6	5	5	0	21
2019–2020	23	18	18	11	3	73
2021	32	37	26	27	2	124
2022	72	111	70	73	5	331
August 2023	42	53	49	47	1	192
<b>Total</b>	<b>174</b>	<b>225</b>	<b>168</b>	<b>163</b>	<b>11</b>	<b>741</b>

*Source:* Directorate for the Protection of Persons Internally Displaced as a Result of Violence.

## Access to justice (art. 6)

### Recommendation contained in paragraph 39 (a)

165. Regarding the strengthening of the Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage, in September 2021 the Public Prosecution Service inaugurated new premises for the Office in the city of Tegucigalpa as part of a project to improve access to justice for Indigenous and Afro-Honduran communities. A communication campaign aimed at making Indigenous and Afro-Honduran people aware of their rights was carried out with funds from the Spanish Agency for International Development Cooperation.<sup>119</sup>

166. For the 2023 fiscal year, the Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage was assigned a budget of L 8,404,632 million, according to information provided by the Public Prosecution Service.

167. The Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage receives and investigates complaints relating to violations of the rights of Indigenous and Afro-Honduran peoples and offences against property constituting the cultural heritage of the nation, including violations of the right to ancestral lands. It is also

<sup>117</sup> Inter-American Commission on Human Rights, *Annual Report 2022*, p. 982.

<sup>118</sup> *Poder Popular*, “Salud capacita a médicos, psicólogos y sexólogos sobre protocolo de Atención Integral a personas víctimas y sobrevivientes de violencia sexual” (Ministry of Health trains physicians, psychologists and sexologists on comprehensive care protocol for victims and survivors of sexual violence) (23 February 2023). Accessed on 22 August 2023 at <https://n9.cl/pri4t>.

<sup>119</sup> “Ministerio Público, Embajada de España y Agencia Española de Cooperación Internacional para el Desarrollo (AECID) inauguran nuevas oficinas de la Fiscalía Especial de Etnias y Patrimonio Cultural en Tegucigalpa” (Public Prosecution Service, Embassy of Spain and Spanish Agency for International Development Cooperation inaugurate new offices of the Special Prosecutor for Ethnic Groups and Cultural Heritage in Tegucigalpa) (28 September 2021). Accessed on 6 October 2023 at <https://n9.cl/3pv29c>.



responsible for monitoring the implementation of international conventions on the rights of Indigenous Peoples and people of African descent.

168. In addition, the second component of the Our Roots Programme, on advocacy and legal instruments for Indigenous and Afro-Honduran peoples, provides for inter-institutional coordination to support the Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage and promote criminal and environmental justice in order to put an end to the persecution, prosecution and criminalization of and discrimination against Indigenous and Afro-Honduran peoples and impunity for those acts.

169. On 30 November 2023, the Attorney General's Office opened a new regional office in Roatán, Department of Islas de la Bahía, to expand its coverage and ensure access to justice for the population of this department.<sup>120</sup>

#### **Recommendation contained in paragraph 39 (c)**

170. With regard to training for public officials, judges, magistrates and law enforcement officers, as of August 2023, the Public Prosecution Service has provided training to personnel responsible for handling human rights cases, with the assistance of OHCHR.

171. For more information, see the responses provided in the present report in relation to the recommendations contained in paragraphs 7 and 41.

### **The fight against racial prejudice (art. 7)**

#### **Recommendation contained in paragraph 41**

172. Concerning awareness-raising and education campaigns directed towards society in general on the negative impact of racial discrimination, with a view to combating the propagation of stereotypes and prejudice against Indigenous and Afro-Honduran peoples, in 2015 the Directorate for Education and the Culture of Peace of the Ministry of Human Rights made the prevention of discrimination a primary theme in its educational activities on human rights.

173. In the period from 2018 to 2021, the Directorate for Education and the Culture of Peace trained 25,021 people, including 4,264 public servants, 19,213 law enforcement officers and 1,544 members of the general public. In the period from 2022 to September 2023, it trained 15,728 people, including 5,481 public servants, 9,375 law enforcement officers and 872 members of the general public. A total of 40,749 people received training in human rights between 2018 and September 2023.

174. The education and training programmes that the Ministry of Human Rights offers for its different target groups cover the prevention of discrimination and practices for preventing it, as well as the human rights of Indigenous and Afro-Honduran peoples in the context of the human rights of vulnerable groups and intersectionality. The elimination of practices of racial discrimination and exclusion is promoted through these programmes, and international recommendations and commitments in that regard are incorporated into all education and training in human rights.

<sup>120</sup> "Procurador General de la República Inaugura Oficina Regional en Roatán, Islas de la Bahía" (Attorney General Inaugurates Regional Office in Roatán, Islas de la Bahía). Accessed on 6 December 2023 at <https://pgr.gob.hn/2023/11/30/>.

### **III. Other recommendations**

#### **Ratification of other treaties**

##### **Recommendation contained in paragraph 42**

175. Regarding the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 22 August 2022 the Optional Protocol was submitted to the National Congress for consideration.

176. With respect to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Ministry of Foreign Affairs and International Cooperation has initiated the process of fulfilling the domestic legal requirements.

177. With regard to the process of accession to the Inter-American Convention against All Forms of Discrimination and Intolerance, the Ministry of Foreign Affairs and International Cooperation has carried out an analysis and held internal consultations with the competent institutions. The Ministry of Human Rights provided a legal analysis in which it recommended accession to the Convention. It was also determined that the Ministry of Human Rights will be the national institution designated as the central authority under article 13 of the Convention. The Ministry of Foreign Affairs and International Cooperation has now completed all relevant documentation and will refer the matter to the National Congress for approval of the accession.

#### **Declaration under article 14 of the Convention**

##### **Recommendation contained in paragraph 43**

178. With regard to the adoption of the optional declaration provided for in article 14 of the Convention with a view to recognizing the competence of the Committee to receive and consider individual communications, the State of Honduras is constantly reviewing and evaluating the international instruments to which it is a party; however, it has not yet decided to make the optional declaration. Victims seeking an international remedy have the possibility of submitting complaints to the inter-American human rights system once domestic remedies have been exhausted.

#### **Amendment to article 8 of the Convention**

##### **Recommendation contained in paragraph 44**

179. Regarding the ratification of the amendment to article 8 (6) of the Convention, the Ministry of Foreign Affairs and International Cooperation is preparing an instrument of acceptance.

#### **Follow-up to the Durban Declaration and Programme of Action**

##### **Recommendation contained in paragraph 45**

180. With regard to measures taken to implement the Durban Declaration and Programme of Action at the national level, the State has provided this information in its replies on the specific measures taken to eliminate racism, racial discrimination, xenophobia and related intolerance. It has also provided information on the implementation of and general follow-up to the Durban Declaration and Programme of Action in response to requests from the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and from the United Nations General Assembly, through the Permanent Mission of Honduras accredited to that body.

181. Accordingly, in 2022 and 2023, in response to the requests made, it submitted inputs with information on the laws, regulations, policies and practices adopted in 2022 and 2023 for the elimination of racism, racial discrimination, xenophobia and intolerance, including

national action plans against racism, statistical data collection, progress made in education and awareness-raising on preventing discrimination, remedies and redress, positive and negative lessons learned from measures taken, and other relevant measures to promote and guarantee the rights and freedoms of Indigenous and Afro-Honduran peoples and minority groups.

## **International Decade for People of African Descent**

### **Recommendation contained in paragraph 46**

182. With regard to the measures adopted in recent years to implement the agenda for the International Decade for People of African Descent, the State of Honduras adopted a statement of commitment to accelerate global action for the fulfilment of the rights of people of African descent in Latin America and the Caribbean, called the San José Commitment.<sup>121</sup> This statement was agreed upon by States at a high-level meeting held in San José, Costa Rica, on 18 October 2019, at which government representatives expressed their willingness to undertake the commitment.

183. The Governments of Costa Rica, Guatemala, Haiti, Honduras, Panama, Peru, Mexico, Uruguay and Venezuela supported the statement, with the goal of enhancing efforts in the region to uphold and protect the rights and dignity of people of African descent in all their diversity, ensuring their full enjoyment of civil, political, economic, social, cultural and environmental rights and thus overcoming structural inequalities. The statement includes 14 priority actions to eliminate inequality gaps and advance towards the fulfilment of the goals of the International Decade for People of African Descent and the Montevideo Consensus on Population and Development.

## **Dissemination of information**

### **Recommendation contained in paragraph 47**

184. Regarding the recommendation to make the State's national reports available to the general public and to disseminate the concluding observations, the Ministry of Human Rights has made these reports available to the public on its official website. All the recommendations addressed to the State of Honduras by the different treaty bodies of the universal system for the protection of human rights and by the Inter-American Commission on Human Rights are available through the Honduran Recommendations Monitoring System.

185. Through the Honduran Recommendations Monitoring System, these recommendations are shared with designated focal points in the relevant institutions, who are responsible for monitoring the actions taken in response to the recommendations and for ensuring that information on these actions is regularly uploaded to the system.<sup>122</sup>

## **Follow-up to concluding observations**

### **Recommendation contained in paragraph 49**

186. On 16 December 2019, the State of Honduras submitted to the Committee its report on follow-up and implementation of the recommendations made in paragraphs 19 (d) and (e), 21 (c) and 25 (a) and (d)<sup>123</sup> of the concluding observations;<sup>124</sup> the report was prepared by the Directorate for Research and Compliance with International Commitments of the Ministry of Human Rights. For the follow-up of the recommendations and the preparation of the report, the working group on Indigenous and Afro-Honduran peoples of the Honduran

<sup>121</sup> San José Commitment, high-level meeting of 18 October 2019. Accessed on 16 October 2023 at <https://n9.cl/3d8ppd>.

<sup>122</sup> These recommendations and the corresponding follow-up information can also be consulted by the general public at <https://simoreh.sedh.gob.hn/Buscador/Home>.

<sup>123</sup> [CERD/C/HND/CO/6-8/Add.1](https://n9.cl/3d8ppd).

<sup>124</sup> Submitted via Official Communication No. SSDH-PROMO-0177-2019.

Recommendations Monitoring System met on two occasions: first, on 23 July 2019, to distribute responsibility for acting on the aforementioned concluding observations; and a second time to follow up on and review progress made in the implementation of the recommendations identified as having priority.

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