United Nations A/HRC/57/75

General Assembly

Distr.: General
2 September 2024
English
Original: Spanish

Human Rights Council
Fifty-seventh session
9 September–9 October 2024
Agenda items 2 and 10
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Technical assistance and capacity-building in Honduras

Report of the United Nations High Commissioner for Human Rights*

Summary

This report describes the technical assistance and capacity-building that the Office of the United Nations High Commissioner for Human Rights country office in Honduras has provided to the national civilian authorities, pursuant to Human Rights Council resolution 54/30, since 13 October 2023.

* The present report was submitted to the conference services for processing after the deadline owing to consultations with the Member State.

I. Introduction

1. In resolution 54/30, adopted on 12 October 2023, the Human Rights Council requests the Office of the United Nations High Commissioner for Human Rights (OHCHR) to provide technical assistance and capacity-building to national civilian authorities in penitentiary, security and justice matters, for a period of one year, in order to improve the situation of human rights in Honduras, including ways to mainstream gender and that are inclusive of vulnerable and marginalized groups, and to implement all relevant recommendations made by United Nations human rights monitoring mechanisms. The Council also requested the United Nations High Commissioner for Human Rights to present a report on the implementation of the resolution at its fifty-seventh session.

2. This report presents an overview of the main challenges in the areas of prisons, security and justice, and describes the technical assistance and capacity-building that OHCHR has been providing to the State in these three areas.

3. Since July 2023, the liquidity crisis in the regular budget of the United Nations Secretariat has directly affected the ability of OHCHR to provide all the technical assistance requested in the Human Rights Council resolution. In this context, by decision 55/115, the Human Rights Council decided to postpone to 2025 the implementation of the activities entrusted to OHCHR in resolution 54/30 that could not be implemented for financial reasons. This includes the comprehensive assessment, additional technical assistance and capacity-building on penitentiary, security and justice matters, the provision of specific expertise in these areas, as well as comprehensive training and capacity-building programmes. This report also discusses the technical assistance provided by OHCHR in Honduras, within the framework of other projects it has implemented on penitentiary, security and justice matters.

II. Context and main human rights challenges in the penitentiary, security and justice sectors

4. The current Administration assumed power in January 2022 against a backdrop of preexisting structural problems that underlie human rights violations and require short-, medium- and long-term measures to resolve them.[1]

5. The country continues to experience violence and insecurity. According to official sources, the homicide rate declined by 17 per cent in 2023 compared to the previous year, from 38.2 per 100,000 inhabitants to 31.14 per 100,000 inhabitants. Despite this, Honduras remains one of the most violent countries in Latin America and the Caribbean.[2]

6. Between 1 January and 31 March 2024, 66 femicides were recorded.[3] The 911 national emergency system recorded 23,183 reports of violence against women between October 2023 and May 2024.[4] According to the observatory of Red Lésbica Cattrachas, 50 cases involving the violent deaths of lesbian, gay, bisexual, transgender and intersex persons (18 gay persons, 12 lesbian persons and 20 transgender persons) and the possible enforced disappearance of a trans woman were recorded in 2023. Only eight of these cases are under criminal investigation.

7. Between 1 October 2023 and 1 June 2024, OHCHR documented the killing of at least one human rights defender and two journalists (all men).[5] Of these, one worked in the defence of land, territory and the environment, one was a general journalist and one was a journalist covering issues related to corruption and transparency. The most frequently reported types

[1] A/HRC/52/24, para. 4.
[2] See https://insightcrime.org/wp-content/uploads/2023/08/Balance-de-InSight-Crime-de-los-homicidios-en-2023-Feb-2024.pdf, p. 39.
[3] See https://derechosdelamujer.org/project/2024/.
[4] Official communication No. 432-SNE9110DN-CI-2024.
[5] OHCHR documented the information and cases reported in accordance with its methodology for human rights monitoring.

of attacks involving human rights defenders and journalists were intimidation and harassment, with 47 cases; threats, with 25 cases; and smear campaigns, with 21 cases. Of the 88 defenders of land and territory who were victims of attacks (including 15 women), 13 were Indigenous persons and/or Afro-Hondurans.

A. Situation of violence and crime

8. Since 6 December 2022, the country has been in a state of emergency that, as of May 2024, has been renewed at least 10 times, including, on at least three occasions, without the required authorization of the National Congress. The measure has resulted in the suspension of the rights to personal liberty, freedom of association, freedom of assembly and freedom of movement. The state of emergency was declared to combat extortion and related offences, by granting powers to the National Police to carry out, in cooperation with the Military Police and other units of the Ministry of Defence, arrests and searches without a warrant. The prolonged duration of this measure, without adequate justification being given for its necessity, proportionality or appropriateness, and without any adequate legal reviews, is a matter of concern.[6]

9. According to official data from the Ministry of Security, between 1 October 2023 and 1 June 2024, 18,329 arrests were carried out in the context of the state of emergency.[7] During the same period, the Anti-Mara and Anti-Gang in Police Directorate to Combat Organized Crime made 1,502 arrests in that context, of which 146 were specifically for the crime of extortion.[8] OHCHR has documented cases of alleged human rights violations committed under the state of emergency, mostly by the Anti-Mara and Anti-Gang in Police Directorate to Combat Organized Crime and the Military Police, including four extrajudicial executions, six enforced disappearances and four incidents of torture, cruel, inhuman or degrading treatment or punishment.

10. Incidents of violence and insecurity, as well as structural problems in the prison system, such as overcrowding, inadequate infrastructure, inmate self-rule and corruption, persisted. As of 1 July 2024, the prison population was 19,978 persons deprived of liberty, of whom approximately 37 per cent[9] were in pretrial detention due to excessive application of this measure and delays in judicial proceedings. The prison system takes a primarily punitive approach. This approach is further illustrated by the intervention of the Military Police as of July 2023, in response to the violent death of 46 women inmates at the hands of a group of persons deprived of liberty, which has resulted in operations where the use of force was reportedly neither necessary nor proportional.[10]

11. OHCHR recorded at least 16 deaths of persons deprived of their liberty between October 2023 and June 2024, including violent deaths.

12. As of October 2023, OHCHR continued to receive allegations of cruel, inhuman and degrading treatment committed in prisons by the Military Police, including beatings, food rationing, prolonged confinement, an almost total ban on visits, lack of adequate medical care in serious cases, collective punishments and solitary confinement. On 3 June 2024, a major transfer of 3,395 inmates, approximately 18 per cent of the country's entire prison population, was carried out to divide the different organized crime groups among separate prisons.

13. In April 2024, through Decree No. 40-2024, the National Congress adopted amendments to the Ministry of Security Act, the Police Service Act and the Act on the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment concerning the functioning of the prison system. In June 2024, the National Defence and Security Council presented a set of radical actions under the anti-crime plan, ordering urgent interventions to fight organized crime, as well as the construction of an emergency detention centre for 20,000 people in an unpopulated area of the country and

[6] A/HRC/55/22, para. 20.
[7] General Directorate of the National Police, official communication No. 1282-2024.
[8] Official communication No. 01120-2024.
[9] Official communication No. DN-INP-391-2024.
[10] A/HRC/55/22, paras. 29–32.

another in the remote, unpopulated Swan Islands. It also sought amendments to the Criminal Code to, inter alia, classify as terrorists persons belonging to maras, gangs and organized crime groups who commit the offences of contract killings, drug trafficking, extortion, kidnapping, arms trafficking, illicit association and money laundering in connection with such offences, and to allow for collective prosecution and the imposition of pretrial detention on all persons prosecuted for such offences.[11]

B. Access to justice and independence of the judiciary

14. In recent decades, justice sector institutions have been characterized by a lack of technical capacity, effectiveness and independence,[12] resulting in structural barriers and systemic problems in access to justice. This compounds high rates of impunity resulting from a lack of effective investigations, unjustified procedural delays, limited opportunities for victims to participate in criminal proceedings and lack of adequate protection for victims, family members and witnesses.[13]

15. As previously noted by OHCHR, the lack of resources and other limitations of the Public Prosecution Service adversely affect its investigative ability and inhibit the implementation of an effective prosecution strategy. Most investigations continue to be carried out without contextual analysis, without establishing charges that reflect the seriousness of the violations and without characterization of the victims or analysis of intellectual authorship or the chain of command in cases involving the security forces and non-State actors.[14] The Public Prosecution Service, including the Specialist Criminal Investigation Agency, and the Police Investigation Directorate lack technical capacity, tools and specialized protocols for adopting a differentiated approach, including a gender focus, in investigations.

16. The justice system has limited capacity to resolve cases concerning social, environmental and agricultural disputes related to land and territory, which have a particular impact on campesino, Indigenous and Afro-Honduran communities.[15] OHCHR has observed that, in the context of such disputes, the judicial system does not respond adequately to situations that constitute human rights violations or that have a negative impact on people in vulnerable situations, including human rights defenders and members of the aforementioned communities.[16]

III. Technical assistance and strengthening of State capacity on penitentiary, security and justice matters

17. OHCHR has initiated a number of strategic technical assistance and capacity-building projects to address structural challenges in the areas of prisons, security and justice and to advance the implementation of relevant recommendations issued by United Nations human rights mechanisms. The assistance was also designed to build institutional capacity to guarantee human rights through short- and medium-term measures, plans and policies, including on insecurity, social conflict and gender discrimination.

A. Capacity-building in the area of access to justice

18. OHCHR has developed a strategy for the provision of technical assistance at different levels to increase State capacity to realize the right to access to justice. This includes legal reforms, the development of public policies, and training in access to justice and combating impunity, with special emphasis on women and vulnerable groups, such as Indigenous and

[11] Agreement No. CNDS-003/2024.
[12] A/HRC/52/24, paras. 35 and 36.
[13] A/HRC/54/22/Add.2, paras. 36–38.
[14] A/HRC/52/24, para. 38.
[15] A/HRC/55/22, para. 46.
[16] Ibid., paras. 67 and 68.

Afro-Honduran peoples, lesbian, gay, bisexual, transgender and intersex persons, persons with disabilities and human rights defenders.

1. Assessment of access to justice

19. At the request of the Ministry of the Interior, Justice and Decentralization, OHCHR began providing technical assistance in 2023 to assess access to justice; the project was accelerated as of October 2023. The first stage consisted in identifying the main thematic focuses and problems in access to justice, taking into consideration the observations and recommendations of United Nations human rights mechanisms, judgments of the Inter-American Court of Human Rights and reports by international organizations and civil society.

20. The main challenges include: (a) lack of independence and impartiality; (b) lack of prompt and thorough investigations compliant with due process; (c) lack of mechanisms for the participation of vulnerable persons in judicial proceedings; (d) lack of efforts to combat impunity for historical human rights violations; (e) lack of access to justice for persons deprived of their liberty to protect their human rights; (f) misuse of criminal law against human rights defenders exercising their right to freedom of expression; and (g) lack of access to justice for persons with disabilities.

21. In November 2023, two national consultations were held in Tegucigalpa with 42 representatives of civil society organizations and 43 government officials to identify barriers to access to the criminal justice system and determine the executive's responsibilities in addressing them. The main barriers include: lack of information on judicial processes and procedures, lack of an effective public defence service, centralization of justice services in Tegucigalpa, corruption, widespread discrimination and lack of attention from public officials.

22. The findings of the consultation were shared with the Ministry of the Interior, Justice and Decentralization, which, in February 2024, with technical assistance from OHCHR, began defining strategic guidelines for an action plan on access to justice. The comprehensive action plan adopts differentiated approaches and envisages prevention and human rights protection services at the department and local levels.

2. Legislative reform initiatives on access to justice

Act on victims of gross human rights violations under the national security doctrine and on strengthening the capacity to search for disappeared persons (1980–1993)

23. OHCHR continued to provide technical assistance to the executive and legislative branches and to the Committee of Relatives of Disappeared and Detained Persons in Honduras on the drafting and revision of the bill on victims of human rights violations committed under the national security doctrine between 1980 and 1993.[17] As of October 2023, efforts to develop the bill, in consultation with civil society organizations and victims, were intensified, as were corresponding consultations with the executive. On 2 April 2024, the bill was submitted to the National Congress.[18] The President of the National Congress set up a committee to examine the bill, with technical advice from OHCHR.

24. The proposed law seeks to improve access to justice for victims, strengthen their participation in proceedings, obtain comprehensive reparations for the violations they experienced and promote the active role of the State in tackling impunity. It is based on the pillars of transitional justice and envisages, among other measures: (a) the establishment of a truth commission; (b) the inclusion, as reparation, of content in the education curriculum to commemorate the gross violations; (c) special protection for public and private archives; (d) the preservation and sustainability of memorial sites; and (e) the establishment and strengthening of institutions specialized in the investigation and prosecution of cases of

[17] A/HRC/55/22, para. 19.

[18] See https://oacnudh.hn/2-de-abril-reiteramos-la-importancia-de-la-ley-de-victimas-de-violaciones-de-ddhh-durante-la-doctrina-de-seguridad-nacional-presentada-por-el-cofadeh-y-elaborada-con-asistencia-tecnica-de-oacnudh/.

serious human rights violations. It also seeks to promote compliance with the relevant recommendations of human rights protection mechanisms and OHCHR.[19]

25. The OHCHR strategy to improve access to justice includes technical assistance for institutional strengthening in the justice sector, capacity-building for civil society organizations to conduct strategic litigation and support for victims of human rights violations and the organizations assisting them in seeking justice and following court hearings.

26. Since October 2023, OHCHR has conducted 61 field missions to verify and document information, including through interviews with victims, witnesses and authorities. Two exhumations have been observed to strengthen the investigative strategy of the justice authorities. OHCHR has monitored six hearings to check that due process and victims' rights are respected. In addition, it has sent 38 communications regarding international standards to judicial bodies with the aim of strengthening the judiciary's human rights approach.

Technical Committee for Legislative Harmonization

27. To align the national regulatory framework on the civic space with international human rights obligations, OHCHR is providing technical assistance to the Technical Committee for Legislative Harmonization, led by the Ministry of Human Rights and the Office of the National Commissioner for Human Rights, to review, in consultation with civil society, the definition of criminal offences whose arbitrary interpretation and application has led or could lead to the criminalization of human rights defenders and journalists. A road map, including activities and advocacy, has been established for the submission to the National Congress a proposal to amend or repeal these definitions. On 8 February 2024, the National Congress met with the institutions and organizations on the Technical Committee to formulate an action plan towards the adoption of the proposal. On 21 March 2024, consultations with civil society organizations on the reform proposal began, facilitated by OHCHR, to integrate their observations and comments in the document.

Act on Equity and Comprehensive Development for Persons with Disabilities

28. OHCHR provided technical assistance to the inter-institutional technical committee on the comprehensive reform of the Act on Equity and Comprehensive Development for Persons with Disabilities, which is headed by the Ministry of Social Development and composed of the main federations of persons with disabilities, the Office of the National Commissioner for Human Rights and other government agencies and is tasked with drafting a bill on the rights of persons with disabilities to bring national legislation into line with the Convention on the Rights of Persons with Disabilities. The bill provides that the State must adopt and implement the measures necessary to ensure effective access to justice for persons with disabilities, including the establishment of systems and mechanisms for these persons to access judicial and administrative procedures under equal conditions. In December 2023, the inter-institutional technical committee presented the bill to the Ministry of Social Development for submission to the National Congress, which is still pending.

Act for the Prevention of Internal Displacement and the Protection and Care of Internally Displaced Persons

29. OHCHR is providing technical advice to the State concerning regulations for the new Act for the Prevention of Internal Displacement and the Protection and Care of Internally Displaced Persons, which entered into force in April 2023. The Act provides for measures to guarantee access to justice for victims of forced displacement, in particular the establishment of permanent specialized teams providing free legal assistance and counselling and the introduction of a judicial obligation to prioritize the processing of the cases of internally displaced persons.

[19] CED/C/HND/OAI/1, paras. 15 and 23; CED/C/HND/CO/1, paras. 15, 17, 19, 21, 23 and 25 (b); A/HRC/54/22/Add.2, paras. 8, 18, 20, 21, 24, 26, 37 and 76 (h)–(j); A/HRC/35/23/Add.1, paras. 79, 117 (g) and 118 (c) and (h); A/HRC/55/22, paras. 19 and 95 (r); and A/HRC/52/24, paras. 37 and 95 (e).

3. Capacity-building to reduce impunity for gender-based violence

30. At the request of the Judicial Training School, OHCHR, together with Caritas Internationalis, led a course from January to March 2024 on applying a gender perspective to the review of compliance with treaties designed to strengthen the capacity of 40 justice officials and members of the Judicial Training School to apply a gender perspective. OHCHR also provided the Judicial Training School with tools for the creation of a module on gender and human rights.

31. In March 2024, one of the judges who took the course, applying a gender perspective[20] to a 2023 case involving three women, reclassified the charge brought by the Public Prosecution Service from murder to femicide by a friend or relative and collateral femicide.

32. In April 2024, OHCHR initiated efforts, in coordination with the Supreme Court, to develop a strategy to combat impunity in cases of gender-based violence, including the revision of the gender and human rights curriculum of the Judicial Training School and its integration in the judicial service. OHCHR is also providing technical assistance to the Public Prosecution Service, in particular to the Office of the Special Prosecutor for Women and the Police Investigation Directorate, to strengthen investigative capacity in cases of gender violence, with emphasis on violent deaths and femicides.

4. Strengthening investigation capacity: development of specialized investigation protocols

33. OHCHR is providing technical assistance for the development of a protocol for the investigation of offences against human rights defenders, as part of the implementation of the reparations ordered in the judgment of the Inter-American Court of Human Rights in the case *Escaleras Mejía et al. v. Honduras*.[21] OHCHR supported the specialized inter-agency group, composed of the Public Prosecution Service, the Attorney General's Office and petitioner organizations,[22] in the formulation of the technical aspect of the protocol's first draft, in coordination with national and international experts.

34. The protocol, which is still under development, seeks to address impunity in cases of offences against human rights defenders by strengthening the capacities of justice officials, criminal investigators, prosecutors, forensic doctors and the National Police in various areas. These include: (a) the risks inherent in the work of defending human rights; (b) the context in which defenders work; (c) the incorporation of a gender and intercultural perspective in investigations; and (d) best practices and international standards on the conduct of due diligence based on the type of offence being investigated.

35. OHCHR continues to provide technical assistance to the State on the development of a protocol for the effective investigation of politically motivated murders, as part of the implementation of the reparations ordered in the judgment of the Inter-American Court of Human Rights in the case *Pacheco León et al. v. Honduras*.[23] At the request of the Public Prosecution Service and the Attorney General's Office, OHCHR began a technical review of the draft protocol in March 2024 with the aim of harmonizing it with and ensuring the inclusion of international standards. It also promoted consultation with and the participation of victims and their representatives in the review process.

36. The State has initiated the formulation of a protocol for the investigation and administration of justice in cases of violence against lesbian, gay, bisexual, transgender and intersex persons, in implementation of the reparations ordered in the judgment of the Inter-American Court of Human Rights in the case *Vicky Hernández et al. v. Honduras*. Since October 2023, OHCHR has continued to provide technical assistance to Red Lésbica Cattrachas in preparing proposals to the Government aimed at strengthening the investigation of cases of violence against lesbian, gay, bisexual, transgender and intersex persons.

[20] San Pedro Sula Trial Court, Fifth Chamber, case No. 308-23, judgment of 21 March 2024.

[21] Judgment of 26 September 2018.

[22] Center for Justice and International Law and the analysis, investigation and communication team.

[23] See https://www.corteidh.or.cr/docs/casos/pacheco_leon_y_familiares_hr/alefcom.pdf.

5. Environmental justice and approach to social conflict over land, territory and the environment

Adoption of Legislative Decree No. 18-2024

37. The unanimous adoption of Legislative Decree No. 18-2024 by the National Congress on 21 February 2024 represents a historic achievement for environmental and social protection. The Legislative Decree, prepared with technical support from OHCHR, ensures the preservation of the Montaña de Botaderos "Carlos Escaleras Mejía" national park and the protection and conservation of all of the country's protected areas by prohibiting mining in areas declared as protected or as water-producing.

38. The Legislative Decree also orders the restoration of the areas of the park affected by mining activities, with the free, effective, informed and meaningful participation of the communities concerned. Its implementation will represent a step forward for the conservation, protection and sustainable use of natural resources and will promote the building of an equitable and sustainable development model.

Reform of the environmental licensing system

39. To address some of the systemic challenges behind social conflict, at the request of the Government, OHCHR continued to provide technical assistance to the Ministry of Natural Resources and Environment on the preparation of proposals for reforms to environmental legal frameworks, including the Environment Act, in line with international human rights obligations. OHCHR is also supporting the review and modification of administrative procedures for the approval of environmental licences and the regulation of the national environmental impact assessment system to ensure that it complies with applicable international human rights standards, including on consultation and free, prior and informed consent of Indigenous and Afro-Honduran peoples and on the consultation and participation of the public in environmental licensing processes at the prospecting, exploration and exploitation stages.

Establishment of a national land tribunal

40. Since March 2024, OHCHR has been providing technical assistance to the Supreme Court regarding the establishment of a special national tribunal for land, territory and the environment to enhance access to justice in conflicts related to the environment, agriculture, cultural heritage and ancestral territory.

41. During the preparatory phase, OHCHR provided technical advice for analysing patterns in the criminalization of human rights defenders through the application of the offence of misappropriation in the context of social conflict related to land and territory, by reviewing comparative law and experiences in other countries with similar contexts. It also facilitated consultations between the Civil Chamber and campesino communities and Indigenous and Afro-Hondurans peoples involved in such issues.

42. Inter-institutional discussions on the establishment of the special tribunal formally began on 20 March 2024 at a high-level inter-institutional round table convened by the judiciary. Participants included representatives of government entities with land, territory and the environment in their remit, such as the Office of the President, the Ministry of the Interior, Justice and Decentralization, the National Agrarian Institute, the Property Institute, the Public Prosecution Service, the Attorney General's Office and the National Congress, as well as OHCHR.

Bajo Aguán Tripartite Commission

43. OHCHR continued to provide technical assistance for the implementation of the agreements aimed at resolving the agrarian conflict in Bajo Aguán, which were signed in February 2022 between the Government and the campesino communities.[24] OHCHR has prioritized technical assistance for the installation of the Tripartite Commission. The

[24] A/HRC/52/24, para. 24.

Commission's mandate is to: (a) investigate human rights violations and the role of security institutions and private security companies in the violence; (b) propose reparation measures; and (c) manage protection measures for campesino communities. Since October 2023, OHCHR has participated in over 10 high-level events and 50 in-person and virtual technical meetings with representatives of the State and communities regarding the installation of the Tripartite Commission.

High-level Intersectoral Commission for Compliance with International Judgments of the Inter-American Court of Human Rights in the cases of Triunfo de la Cruz Garifuna Community and its members v. Honduras and Garifuna Community of Punta Piedra and its members v. Honduras

44. OHCHR has provided technical assistance to the State to advance the implementation of the reparations and other measures ordered in two judgments of the Inter-American Court of Human Rights seeking to protect collective property and increase protection and judicial guarantees for Garifuna communities.

45. OHCHR provided technical advice to the Office of the President, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Human Rights and the Attorney General's Office, in coordination with the Fraternal Black Organization of Honduras, on drafting a proposed executive decree to facilitate compliance with the aforementioned judgments through the establishment of a commission, with the effective participation of the affected communities.

46. The High-level Intersectoral Commission was established on 2 February 2024, through Executive Decree No. PCM 03-2024, to coordinate, implement and monitor compliance with the two judgments. The Commission, which was officially installed on 12 April 2024, is composed of institutions from the executive branch and representatives of Garifuna communities. OHCHR is involved in the Commission pursuant to its technical assistance mandate. In addition, the Commission can engage with the Public Prosecution Service, the judiciary and the legislative branch. The start of the Commission's operations is a step forward in the recognition and protection of the human rights of the Garifuna people, thus promoting their access to justice under equal conditions.

6. Corruption and human rights

47. To strengthen the capacity to study the human rights impacts of corruption, improve understanding and raise awareness of the link between corruption and human rights, OHCHR organized four workshops in Tegucigalpa in November 2023 for 45 participants, including justice officials, journalists and members of civil society. It also organized an academic conference in Tegucigalpa with 80 participants, including students and university professors, members of civil society, the diplomatic corps and public officials. In addition, a campaign was carried out among, inter alia, members of the Anti-Corruption Commission of the National Congress and the Ministry for Transparency and the Fight against Corruption to promote the inclusion of human rights in the State's anti-corruption initiatives.

48. At the request of the Ministry for Transparency and the Fight against Corruption,[25] OHCHR has been providing technical assistance since May 2024 for the formulation of a bill on the protection of whistle-blowers who report regulatory violations and acts of corruption.

B. Technical assistance and capacity-building in the area of security with a human rights focus

49. OHCHR has reiterated the need to develop and implement a public security policy, with a human rights approach, that strengthens prevention and investigation and addresses the structural causes of the violence and insecurity experienced by the population of Honduras, including murder, extortion and forced displacement, committed by criminal organizations and other non-State actors.

[25] Communication No. STLCC-DM-0180-2024 of 15 February 2024.

50. OHCHR has provided the State with technical assistance on a number of occasions aimed at strengthening protection mechanisms to address the impact of the state of emergency on the human rights of the population, particularly vulnerable groups.

1. Technical assistance under the state of emergency

51. On 6 December 2023, a year after the state of emergency was declared, OHCHR issued a public statement in which it expressed concern at the prolonged suspension of safeguards and reiterated that the suspension of rights in that context must be exceptional. It follows that such measures and their extension must be strictly temporary, proportional and limited, in accordance with international human rights law (see para. 8). OHCHR also called on the State to increase internal and external oversight of the security and armed forces to prevent abuses or excesses that could result in human rights violations,[26] reiterating the need to adopt comprehensive responses to address crime from a human rights perspective.[27]

52. In April 2024, OHCHR submitted a technical opinion to the President and members of the National Congress highlighting its main concerns about the relevant international human rights standards and about the risk of human rights violations inherent in the state of emergency.[28]

53. Through its monitoring activities, OHCHR has identified a lack of mechanisms to search for disappeared persons who were detained by the police or the armed forces, including in the context of the state of emergency. OHCHR has provided technical assistance to the Public Prosecution Service in San Pedro Sula to strengthen search, investigation and criminal prosecution efforts in such cases. In this framework, the Public Prosecution Service has identified patterns in the disappearance cases before it.

2. National Police procedural manual

54. At the request of the Ministry of Security, OHCHR undertook the revision and updating of the National Police procedural manual to incorporate international human rights standards into operational procedures and strengthen the professional capacity of the force's 19,000 officers. This is an opportunity to transform police practices in such areas as detention, use of force and reception of complaints. This work stems from an assessment and previously developed action plans to strengthen the prevention and investigation capacities and professionalization of the National Police and from a road map to progressively increase respect for human rights by police officers.

3. Capacity to respond to attacks against human rights defenders, journalists, social communicators and justice officials under the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials

55. OHCHR has continued to provide technical assistance to strengthen the capacities of the institutions that make up the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials, including the National Police.

56. In November 2023, OHCHR initiated capacity-building activities for police liaison officers responsible for implementing police protection measures ordered by the protection mechanism's technical committee,[29] through the integration of international human rights standards. On 16 November 2023, in the department of La Paz, OHCHR delivered training to 50 police officers from across the country involved in the implementation of protection measures (17 women, 33 men).

[26] See https://oacnudh.hn/6-de-diciembre-de-2023-a-un-ano-del-estado-de-excepcion-en-honduras-oacnudh-llama-al-estado-a-reconsiderar-el-uso-de-medidas-excepcionales-y-a-abordar-la-inseguridad-de-manera-integral-y-con-enfasi/.

[27] See https://oacnudh.hn/oacnudh-llama-a-adoptar-respuestas-integrales-de-combate-a-la-violencia-y-criminalidad-organizada-a-partir-de-un-enfoque-de-derechos-humanos/.

[28] A/HRC/55/22, para. 23.

[29] Act on the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials, art. 31.

57. At the request of the Ministry of Security, on 14 February 2024, OHCHR conducted a training session in Tegucigalpa for 20 public officials of the protection mechanism's technical committee to provide them with the tools to conduct a risk assessment in respect of human rights defenders and propose appropriate and timely protection plans, in particular with regard to police measures.

58. As part of efforts to strengthen the security and protection of human rights defenders through social oversight and participation in national protection mechanisms, on 14 February 2024, OHCHR facilitated an exchange of experiences on the participation of civil society in policies for the protection of human rights defenders and journalists. This event was attended by civil society organizations and representatives of the national protection mechanisms of Honduras and Mexico.

59. As a result, challenges and opportunities were identified regarding the participation and contribution of civil society as a provider of assistance to petitioners, beneficiaries and organizations that present cases to the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials. Civil society organizations proposed a road map for improving institutional efficiency and the functioning of the System, which was submitted to the National Protection Council of Honduras. In addition, a steering group was established to advance the implementation of the initiative and promote the security and protection of human rights defenders in Honduras.

C. Human rights of persons deprived of their liberty

60. OHCHR has initiated strategic technical assistance on the basis of information it gathered during monitoring missions and its dialogue with the authorities of the National Prison Institute and of information received from relatives of persons deprived of their liberty, the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment (the national preventive mechanism) and the Office of the National Commissioner for Human Rights.

61. The technical assistance is aimed at strengthening the civilian leadership of the National Prison Institute through a professional degree on prison administration based on the principles of merit, skill and specialization and on international human rights standards. It is also aimed at cooperating with the authorities to strengthen oversight and accountability during military interventions in prisons. OHCHR has initiated a dialogue with the State to define the technical assistance needed to establish a plan for the gradual transfer of the administration of prisons to specialized civilian authorities.

62. The actions carried out are designed to address the main structural challenges facing the prison system. These challenges include: (a) limited capacity to ensure security and respect for the life and physical integrity of prisoners, worsened by self-governing structures among prisoners; (b) recurrent allegations of ill-treatment and other human rights violations, exacerbated by the lack of a complaints system and internal and external monitoring mechanisms; (c) high rates of overcrowding and pretrial detention and a lack of effective alternative measures; (d) challenges in access to food, adequate medical care and basic hygienic conditions; and (e) poor access to justice and a legal defence, delays and deficiencies in criminal investigations and poor oversight of sentence enforcement and access to sentence review and parole.

63. OHCHR has recommended a shift in focus from a punitive prison system to a system that promotes social reintegration, rehabilitation and dynamic security[30] to address crime inside and outside prisons and to reduce recidivism.

64. Since October 2023, OHCHR has carried out 18 visits to prisons, providing technical advice to the authorities with a view to creating detention conditions for persons deprived of their liberty that are in line with international standards. The recommendations made were aimed in particular at guaranteeing dignified treatment of persons deprived of their liberty

[30] See https://www.unodc.org/documents/justice-and-prison-reform/Manual_de_Seguridad_Dinamica_e_Inteligancia_Penitenciaria.pdf.

and ensuring their access to healthcare services, adequate food, proper hygiene conditions and legal advice, with a focus on women deprived of their liberty.

1. Strengthening the judiciary's ability to monitor the rights of persons deprived of liberty

65. OHCHR began providing support to strengthen the work of the enforcement courts, which exercise external oversight of the situation of persons deprived of their liberty. The technical assistance has focused on strengthening the courts' capacity to fulfil their oversight mandate and provide an effective response to complaints, particularly complaints of cruel, inhuman and degrading treatment and acts of torture.

66. On 23 November, OHCHR and the Supreme Court organized a national meeting that brought together the country's 30 enforcement judges, as well as public defenders, prosecutors, the Office of the National Commissioner for Human Rights and the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment, to identify the challenges and obstacles in the overseeing and monitoring respect for the rights of the prison population.

67. The main challenges identified include: (a) the high workload, which makes it difficult to individually monitor the legal situation and integrity of every person deprived of liberty; (b) the lack of public defenders to represent those without legal representation; (c) the lack of procedures for prison visits by enforcement judges and for the implementation of habeas corpus petitions; (d) the lack of coordination between the trial and enforcement courts, the prison system and the Intervention Commission, in violation of judicial guarantees; and (e) the lack of clear procedures to facilitate the filing of complaints with the judicial authorities and to monitor their status.

68. With technical assistance from OHCHR, the judiciary is developing a protocol for processing complaints, reports and claims regarding human rights violations in prisons to improve protection for prisoners and enhance the accountability of prison authorities.

2. National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment

69. OHCHR has continued to provide technical assistance to the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment to strengthen its ability to fulfil its institutional mandate. In October 2023, OHCHR established a joint strategy with the National Committee to strengthen the inter-institutional response to the rise in complaints and reports by persons deprived of their liberty of alleged mistreatment at the hands of the Public Order Unit of the Military Police in the course of the prison searches conducted between June and September 2023.

70. The National Committee, with technical assistance from OHCHR, has identified the main challenges that it, the enforcement courts and the Office of the National Commissioner for Human Rights face in responding to complaints filed by persons deprived of their liberty. To address these challenges, coordination agreements have been reached with the Public Prosecution Service so that forensic examinations are conducted in an appropriate and timely manner. Furthermore, OHCHR has provided the National Committee with technical assistance to prepare proposals on inter-agency procedures for the identification, assessment and investigation of acts of torture and other cruel, inhuman or degrading acts.

71. OHCHR provided technical assistance to the High-level Committee on Prison Monitoring, established in August 2023, which is headed by the Ministry of Human Rights and is composed of relevant government agencies and the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment. The High-level Committee has made progress on the formulation of technical proposals on key actions towards the development of a policy on prisons. Its work is crucial to the conduct of intersectoral actions by civilian institutions aimed at protecting the human rights of persons deprived of their liberty in the context of interventions by the Public Order Unit of the Military Police.

3. Strengthening inter-institutional cooperation in the criminal justice and prison systems

72. Since October 2023, OHCHR has been providing technical assistance to the National Coordination Committee of Enforcement Judges concerning the judicial review of case files, by collecting and recording crucial data on the background and situation of persons deprived of their liberty. The goal is to enable more effective monitoring of judicial proceedings and prisons, obtain up-to-date information on these persons, promote personalized assistance and rights protection, contribute to decongesting prisons, streamline proceedings and improve case management.

73. The National Coordination Committee of Enforcement Judges, with technical advice from OHCHR, carried out 905 visits to prisons between October 2023 and June 2024[31] to review the legal situation of persons deprived of their liberty. It reviewed 10,116 files and conducted interviews, thus identifying the following main challenges: the lack of public defenders, the failure to establish dates of admissibility for parole, the lack of opportunities for sentence review, the lack of definitive sentences and the arbitrary detention of persons beyond the maximum legal duration of pretrial detention. The judicial review of files and subsequent follow-up with the competent authorities led to the release of at least 603 people between October 2023 and May 2024.[32]

74. To reduce judicial delays, the National Prison Institute has refurbished its facilities in two prisons to enable the conduct of remote court hearings. Following a request from the judiciary, in May 2024, OHCHR began providing technical assistance for the review and updating of the regulations on the conduct of virtual hearings and interviews in criminal proceedings. These activities, carried out in coordination with other partners, consisted in introducing conditions and safeguards to guarantee due process and the right to a fair trial.

IV. Conclusions and recommendations

75. **The United Nations High Commissioner for Human Rights thanks the State for its continued cooperation, including with regard to technical assistance and capacity-building under resolution 54/30.**

76. **OHCHR recognizes the willingness of Honduras to advance in the promotion and protection of human rights. However, structural challenges persist, especially with regard to technical capacity, sufficient and adequate resources and inter-institutional coordination, which affect the State's capacity in penitentiary, security and justice matters and thus have a negative impact on the exercise or enjoyment of human rights in Honduras.**

77. **With the technical assistance provided by OHCHR, within the framework of the resolution and its broader country strategy, the State has undertaken strategic processes to progressively address these structural challenges. Both the political will of the State and the technical capacity of OHCHR, including timely and sufficient staff and funding, are essential to the continuation of this work.**

78. **OHCHR reiterates its commitment to continue providing technical assistance to the State, civil society and victims to advance the promotion and protection of human rights in Honduras.**

79. **OHCHR reiterates the recommendations contained in its previous reports to the Human Rights Council[33] and recommends that the State:**

(a) **Develop and implement the plan for the gradual transfer of prison administration to the National Prison Institute;**

[31] La Tolva, Ilama, Siria and Támara prisons. See https://www.poderjudicial.gob.hn/Noticias/SitePages/NPPJ25102023.aspx?web=1.

[32] Information provided by the National Enforcement Judge Coordination Committee.

[33] A/HRC/55/22, A/HRC/52/24, A/HRC/49/21, A/HRC/46/75, A/HRC/43/3/Add.2, A/HRC/40/3/Add.2 and A/HRC/34/3/Add.2.

(b) **Implement a prison policy that improves the security of persons deprived of their liberty, the protection of their human rights, and their rehabilitation and social reintegration, with a differentiated approach for women, lesbian, gay, bisexual, transgender and intersex persons, older persons, persons with disabilities and persons with chronic and/or terminal illnesses;**

(c) **Implement alternatives to imprisonment in line with the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) and take the measures necessary to ensure that pretrial detention is used in exceptional cases and in accordance with international human rights law;**

(d) **Provide the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment and the Office of the National Commissioner for Human Rights with the resources and capacities necessary to fully discharge their mandates;**

(e) **Adopt mechanisms and systems of criminal management and inter-institutional coordination between the judiciary, the National Prison Institute and the Public Prosecution Service so that they can exercise external oversight and ensure judicial safeguards for persons deprived of their liberty;**

(f) **Revoke the state of emergency, ensure that exceptional measures are applied in strict observance of international human rights law and implement a comprehensive security policy that includes prevention and investigation programmes with a social focus;**

(g) **Design and implement a security plan enabling the gradual demilitarization of law enforcement functions;**

(h) **Put in place a professional, duly vetted and trained civilian police force with an accountability mechanism by strengthening police training, improving working conditions and ensuring gender equity;**

(i) **Adopt the Act on victims of gross human rights violations under the national security doctrine (1980–1993);**

(j) **Establish and ensure the functioning of the Bajo Aguán Tripartite Commission;**

(k) **Take steps to ensure that judicial decisions include a gender perspective, including through the development and dissemination of a mandatory gender and human rights module for all members of the judiciary;**

(l) **Set up a mechanism for the effective participation of victims, their families and lawyers in criminal proceedings, strengthen protection mechanisms for victims and witnesses, particularly through the provision of legal assistance and psychosocial support, and inform the public about developments and challenges in investigations;**

(m) **Intensify efforts to investigate, prosecute and try cases of serious human rights violations, adopt an effective procedural strategy to expedite the resolution of cases, and identify patterns of violations, as well as the gaps and systemic deficiencies that allowed them to occur;**

(n) **Adopt and implement specialized investigation protocols enabling criminal prosecutions to be undertaken strategically and with a human rights approach, including in cases of politically motivated killings, femicides and offences against human rights defenders and lesbian, gay, bisexual, transgender and intersex persons;**

(o) **Ensure that all investigations of offences attributed to the security forces that may involve human rights violations are assigned to the competent office of the special prosecutor and that that office has adequate personnel and resources and a permanently assigned specialized investigation team from the Specialist Criminal Investigation Agency;**

(p) **Make progress on drafting and enacting the law on the protection of whistle-blowers who report regulatory violations and acts of corruption;**

(q) **Establish a specialized tribunal to improve access to justice in cases of disputes related to land and territory;**

(r) **Adopt and implement the legal framework and protocols necessary to guarantee the right to free, prior and informed consultation of Indigenous Peoples as a fundamental tool to guarantee their access to justice and enjoyment of their rights.**