



CAPÍTULO V

**Follow-up of
recomendations
issued by the IACHR
in its Country
or Thematics reports**

Honduras

**ANNUAL REPORT OF THE INTER-AMERICAN
COMMISSION ON HUMAN RIGHTS
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Honduras

CHAPTER V

FOLLOW-UP OF RECOMMENDATIONS MADE BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS

THIRD REPORT ON THE FOLLOW-UP OF RECOMMENDATIONS MADE BY THE IACHR IN ITS REPORT ON THE SITUATION OF HUMAN RIGHTS IN HONDURAS

I. INTRODUCTION

1. The purpose of this chapter is to follow up on the recommendations made in the report entitled *Situation of Human Rights in Honduras*, approved on August 27, 2019, by the Inter-American Commission on Human Rights (“the Commission,” “the Inter-American Commission” or “the IACHR”), in compliance with Article 59, Paragraph 9, of its Rules of Procedure. Pursuant to this provision, through Chapter V of its *Annual Report*, the Commission follows up on the measures adopted to comply with the recommendations made in its country or thematic reports.

2. At the invitation of the government of Honduras, the Commission conducted an *in loco* visit to the country between July 30 and August 3, 2018. In 2019, the Commission issued its report on the *Situation of Human Rights in Honduras*, with 30 recommendations addressed to the Honduran State, based on the findings and information obtained before, during and after the visit. Likewise, with the aim of preparing the aforementioned country report, the Commission based itself on the investigations carried out *ex officio*, the information provided by the State, the inputs from the different mechanisms through which the Commission has followed up on the situation in the country, as well as journalistic notes, decisions and recommendations from specialized international organizations, among others, as established in Article 59, Paragraph 5, of its Rules of Procedure.

3. In its country report, the Commission addressed the human rights situation in Honduras with a focus on the post-electoral conflict, citizen security, administration of justice, freedom of expression, and the situation of economic, social, cultural and environmental rights. In addition, it particularly analyzed the situation of groups and individuals of special concern, such as women; boys, girls and adolescents; lesbian, gay, bisexual, transgender and intersex (LGBTI) persons; human rights defenders and justice operators; persons deprived of liberty; indigenous peoples, Afro-descendants and Garifuna communities; and persons in a context of human mobility.

4. In the aforementioned country report, the Commission also noted that the 2017 electoral process, the context of violence that followed the elections, and the information pointing to a growing concentration of power in the executive branch over the legislative branch and the judiciary had an impact on the lack of citizen trust on public and political institutions. The context of violence that followed the election included the disproportionate use of public force and the lack of progress in investigations.

5. Additionally, inequality and the lack of opportunities for broad sectors of the population – consisting mostly of young people – are rooted in a system that, according to gathered testimonies, benefits those who relate with people of high political and economic power. These situations disproportionately affect people in vulnerable situations, which generates inequality and impacts the effective enjoyment of human rights.

6. In its country report, the Commission also highlighted several advances on human rights in Honduras, among others, the creation of the Ministry of Human Rights, with the aim of promoting and implementing the National Public Policy and the National Plan of Action on Human Rights. It also valued the creation and implementation of the System of Monitoring of Recommendations of Honduras (SIMOREH), whose goal is to follow up on the recommendations that the various international and regional mechanisms for the protection of human rights have made to Honduras. The country report also recognized the approval of the Police Career Law and the efforts made to reduce the overall homicide rate, and to strengthen and professionalize the police. The report also valued the creation of the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators (FEPRODDHH), as well as the commitment to strengthening the national protection mechanism.

7. In the country report, the Commission noted the persistence of significant human rights challenges. In this regard, the Commission highlighted the continued intervention of the military police in citizen security, as well as the militarization of the penitentiary function and the involvement of the military police in civic and educational training issues, such as the Guardians of the Homeland Program for boys, girls and adolescents, which were all referred to by the Commission in its 2015 report. The report also indicated that, based on its findings, the army performs security functions in areas where there are land conflicts, as in the case of the Bajo Aguán area, a situation that the Commission has continuously monitored.

8. The Commission also noted critical levels of impunity and inadequate and insufficient attention to the victims and their families. Civil society organizations informed the Commission about the existence of what they consider to be a “selective justice system” which, on the one hand, acts belatedly without offering an effective response in relation to human rights violations, but which, on the other hand, acts in favor of the interests of various actors linked to public, political and business power. The report also pointed out the persistence of challenges that weaken the guarantee of independence and impartiality, such as the absence of sufficient guarantees of independence of the oversight bodies of judges.

9. In this regard, the Commission noted that for human rights to be fully enjoyed, it is essential for the State to make progress in strengthening its democratic institutions, to guarantee a genuine separation of powers, and to strengthen the Rule of Law. It also pointed out that the State must take decisive measures in the administration of justice, and in the fight against impunity and corruption, as well as in reforms to the electoral system in accordance with the relevant international recommendations.

10. In its report, the Commission stressed the need for citizens to regain trust in their state institutions. It indicated that the State must undergo a real and effective transformation so as to eradicate the situation of poverty, exclusion and structural inequality that persists in the country, which impacts the exercise and enjoyment of human rights, especially among risk groups. The aforementioned should be carried out through the adoption of effective measures in accordance with applicable international standards.

11. Similarly, in its country report, the Commission recommended that the State of Honduras implement a special follow-up mechanism together with the Commission to verify the implementation of the recommendations issued in the framework of the visit. In November 2019, the Special Technical Advisory Board of Honduras for compliance with human rights recommendations (MESAT) was installed for a period of one year after the follow-up visit conducted by the Commission, between May 22 and 24, 2019. The term was extended, and this board finally remained operational until December 2021. The objective of the Special Technical Advisory Board of Honduras for compliance with human rights recommendations was to provide technical assistance to the State for the development of tools that promote compliance with the recommendations made by the Inter-American Commission; to follow up on compliance with the recommendations issued in its preliminary observations and country reports; and to provide technical advice to law initiatives and public policies in the area of human rights.¹ It is worth noting that, based on the activities

¹See: [Follow-up to recommendations](#), made by the Inter-American Commission on Human Rights (IACHR).

developed within the framework of the Special Technical Advisory Board of Honduras for compliance with human rights recommendations, the Commission declared the full compliance with recommendation number 29 of the country report in Chapter V of its *2021 Annual Report*, which presented the creation of this board in conjunction with the Commission.² The Commission reiterates its gratitude to the State of Honduras, as well as its willingness and collaboration for the effective functioning of this mechanism.

12. This document constitutes the third follow-up report that the Commission conducts with respect to the recommendations issued in the 2019 Honduras country report. In preparing the first two follow-up reports, corresponding to Chapters V of the *2020 and 2021 Annual Reports*, the Commission considered, as appropriate, the observations received from the Honduran State and the civil society for each year.

13. For the preparation of this follow-up report, by means of a communication dated September 23, 2022, the Commission requested the State to submit information on compliance with the recommendations contained in the country report. This request was reiterated in a communication dated October 18, 2022, requesting that the response be sent through the Inter-American SIMORE. The State of Honduras sent its response through SIMORE on October 26, 27 and 31, as well as on November 3 and 4, by means of 55 follow-up forms that are available at the Inter-American SIMORE.³

14. It should be noted that, in addition to the aforementioned information, during 2022, the State reported on compliance with the recommendations of the country report through the publication of 30 follow-up sheets that were published in the Inter-American SIMORE on January 31, and February 17, 18, 21 and 28. Through these fact sheets, the State reported different compliance measures with respect to some of the recommendations of the country report, which, as applicable and provided that they were not reported in Chapter V of the Commission's *2021 Annual Report*, were also considered for the updated compliance analysis carried out in this report.⁴

15. The Commission appreciates and is grateful for the information received, as well as for the relevant information uploaded through the Inter-American SIMORE, which, as appropriate, was included in this report. It likewise recognizes the sustained support that Honduras has provided for implementing the Inter-American SIMORE, as a tool designed to enhance monitoring of the Commission's recommendations. The State's use of this tool has made it possible for the Commission to access specific information regarding the follow-up on the recommendations made in the 2019 Country Report, and this contribution constitutes a best practice to be replicated by other States in the region.

16. The IACHR also appreciates the State of Honduras's openness to its protocol and promotion visit, which took place from August 30 to September 1, 2022, and welcomes the State's demonstrated commitment and will to comply with the recommendations made by the IACHR's various mechanisms.⁵ The Commission also appreciates the President of the Republic's invitation, extended during that visit, to make an on-site visit to the country in 2023.

17. It also appreciates the information provided by civil society organizations.

18. This follow-up report is divided into 15 thematic sections. Each one groups the follow-up of the recommendations made by the Commission in the 2019 country report related to each thematic area. The

²IACHR, *2021 Annual Report, Chapter V, Honduras*, paras. 213-217.

³State of Honduras, Follow-up reports published in the Inter-American SIMORE, October 26, 27 and 31, and November 3 and 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

⁴State of Honduras, Follow-up reports published in the Inter-American SIMORE, January 31, and January 17, 18, 21, 28, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

⁵IACHR, [Press release 202 of 2022, IACHR Completes Protocol and Promotion Visit to Honduras](#), September 13, 2022.

level of compliance with each recommendation was determined in accordance with the *General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights*.⁶

19. The follow-up analysis of each recommendation is made by identifying the relevant and pertinent compliance measures for each one, as well as the main challenges in their implementation, in light of the information presented by the State, by the National Human Rights Commission and by civil society organizations, as well as the information that the Commission has gathered in the monitoring of the general human rights situation in the country during 2022. It should be noted that, with the goal of following up on compliance on an annual basis, this report lists the compliance measures relevant to each recommendation that have not been previously reported to the Commission, and that were reported and adopted during 2022 only. To the extent relevant, the report refers to previously reported measures when necessary to inform about any progress in their implementation or other updates relevant to their level or progress of compliance. In addition, within the analysis of compliance with each recommendation, the Commission identifies measures that could be adopted by the State to contribute to achieving full compliance with the recommendations of this report.

20. On February 2, 2023, the Commission transmitted to the State a copy of the preliminary draft of this report, in accordance with Article 59, Paragraph 10, of its Rules of Procedure, and requested the State to submit its observations. On February 17, 2023, the State requested an extension for submitting its observations.⁷ Subsequently, on March 1, 2023,⁸ the Commission received the State's observations and comments, which, as pertinent, were incorporated into this version. The final report was approved by the Commission on March 13, 2023.

21. The Commission expresses its willingness to continue providing the State with technical assistance in the area of human rights in order to ensure effective compliance with the recommendations made in the IACHR report.

II. FOLLOW-UP TO RECOMMENDATIONS

▪ Recommendations regarding democratic institutions and the Rule of Law:

- 1. Ensure that the rights to life, personal integrity and personal liberty of the demonstrators are protected during social mobilizations carried out in exercise of their right to peaceful assembly and demonstration.
- 2. Carry out diligent and impartial investigations with the purpose of identifying and punishing those responsible for the acts of violence, murders, and ill-treatment in the context of the post-election protests.
- 3. Ensure due process, access to comprehensive defense for all persons detained in the post-election context in accordance with inter-American human rights standards.

22. Regarding compliance with the recommendation on **ensuring that the rights to life, personal integrity and personal liberty of the demonstrators are protected during social mobilizations**

⁶IACHR, *General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights*, OEA/Ser.L/V/II.173 Doc. 177, September 30, 2019.

⁷State of Honduras, Note 007/MHOEA/2023, February 17, 2023.

⁸State of Honduras, [Note 010/MHOEA/2023. Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report](#), March 1, 2023.

carried out in exercise of their right to peaceful assembly and demonstration, the State of Honduras reported compliance actions taken by the Ministry of Security and the Ministry of Human Rights (SEDH), among which the following are highlighted.

23. The State informed that the president of the Republic ordered the security forces to refrain from any repression of social protest and instructed the removal of any obstacles that prevented access to the National Congress, the “House of the People.” The State also pointed out that, although the challenge of training the National Police to avoid human rights violations during mobilizations still needs to be overcome, from October 31, 2021, to September 31, 2022, the Ministry of Security trained 3,322 members of the police on the use of force, crowd and riot control, and human rights.⁹

24. The State pointed out that the civil service and the civil society were trained on citizen participation during the 2021 electoral process and on the management, alternative resolution, and prevention of social conflicts with a human rights perspective. One thousand four hundred and eighty-four people were trained, including public servants, the civil society and electoral candidates in six departments.¹⁰ In addition, the State reported that a methodological guide was developed for setting up technical committees on preventing social conflicts, as well as a protocol for dealing with institutional social conflicts to be applied by the Directorate for Preventive Management of Risks of Human Rights Violations and Social Conflict. Likewise, this body reported that 24 technical advisory sessions were carried out in 2022 regarding territories that have historically presented social conflict (Choluteca, Cortés, Atlántida, Colón and Olancho); eight analysis and measurement reports of the social conflict index were produced; and a georeferenced map of social conflict was made, showing the departments with the most relevant situations of social demand, which reported 1,671 social conflicts from January 1 to 11, 2022.¹¹

25. In addition, regarding the functioning of the interinstitutional committees on preventing social conflict, the Ministry of Human Rights listed the following measures: the installation of a commission to address land property and the holding of six meetings between the national committees and the commission to address the issue; the delivery of 265 methodological instruments to measure conflicts (*conflictómetros*) to the national and departmental committees; 11 reports on social conflict for the departmental interinstitutional committees in the departments of Cortés, Atlántida, Olancho, Colón and Choluteca; the creation of departmental interinstitutional committees on preventing and addressing social conflict; and two meetings of the technical committees on preventing social conflict with the participation of representatives of 15 public entities to strengthen their capacities.¹²

26. The Commission also received information from the National Human Rights Commission indicating that, on occasions, protests and social demonstrations are exacerbated because the State lacks appropriate mechanisms for peaceful conflict resolution, which leads to criminalization, excessive use of police and military force, persecution of social and community leaders and human rights defenders, and results in an increase in protests with riots, violence, looting and damage to public and private property. Likewise, the National Human Rights Commission informed the Inter-American Commission that it identified as progress the

⁹State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 1, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁰The State reported: 12 hybrid workshops for public servants; seven hybrid workshops for the civil society; training on conflict resolution, peace and development for 26 civil servants in 2022; training for 24 public servants of the technical committees on preventing institutional social conflicts; seven meetings to build indicators of the territorial socio-environmental conflict index together with the National Human Rights Commission (CONADEH) and the Social Forum on External Debt and Development of Honduras (FOSDEH); refresher course on the role of free, prior and informed consent in the reduction of social conflict in the mining sector for public servants of the technical committees on preventing institutional social conflicts in 2021; two workshops on preventing social conflicts in 2022 with the support of the United Nations Development Programme (UNDP), and the “PARTICIPAZ” project. State of Honduras, Follow-up report published at the Inter-American SIMORE, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹¹State of Honduras, Follow-up report published at the Inter-American SIMORE, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹²State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 1, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

absence of the use of tear gas in the social protests of 2022, which enabled a freer expression and demonstration of the Honduran people.¹³

27. With regard to the information submitted by the CONADEH, the State of Honduras clarified, in its observations to this report, that the SEDH, through the Directorate for Preventive Management of Risks of Human Rights Violations and Social Conflict, is implementing instruments to prevent and address social conflict, and that in line with reports from the United Nations Office of the High Commissioner for Human Rights, it had identified the need to work at the department level. The State further indicated that consequently, and on the orders of the President of the Republic, it set up interagency committees for preventing and addressing social conflicts¹⁴ with a human rights approach, including a national committee, formed by high-level decision-making authorities, as well as departmental ones. It noted that this strategy had made it possible to build public servants' capacities for preventing and addressing social conflicts with a human rights approach. Regarding the use of tear gas, the State indicated in its observations that the Ministry of Security did not use any tear gas bombs to disperse the social mobilizations that took place in 2022. It also noted that in order to guarantee the right to protest, the SEDH had implemented a new indicator: the percentage decrease in the repression of social protests. This indicator measures the percentage of social protests in which tear gas and nonlethal and lethal weapons were used in relation to the total number of protests and demonstrations per year and will serve to inform the authorities and make recommendations to them about changes that should be implemented.¹⁵

28. Among them, 479 peaceful demonstrations were recorded during the first nine months of 2022. It was reported to the Commission that, although in general terms the protests were not repressed, there were some reports on abuse, criminalization and intimidation by police officers.¹⁶

29. Among the acts of repression of protests reported to the Commission was the eviction of 38 families from the Nueva Palestina community, by 50 civil and military police officers on May 18, 2022, in compliance with a court order. According to the information provided, these people were mobilizing in the department of La Paz to defend 229 hectares of community land granted to them and titled in their name in 1999 which had allegedly been reclaimed over a land deed delivered by the government to a landowner in 2016. The eviction order was issued in the context of an accusation of aggravated usurpation and alteration of terms or boundaries, brought by the Prosecutor's Office of Marcala, La Paz, against the Lenca indigenous council of the Nueva Palestina community and against Sonia Pérez, correspondent of Radio Progreso, in charge of reporting what was happening in San José, La Paz.¹⁷

30. In connection with these events, the State of Honduras noted in its observations to this report that the Office of the Public Prosecutor had made a statement¹⁸ indicating that Ms. Sonia Pérez López serves as a member of the Lenca indigenous council of the community of Nueva Palestina. According to the statement,

¹³CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

¹⁴ The State indicated that these committees were established in the departments of Francisco Morazán, Choluteca, Cortés, Atlántida, Colón, Olancho, Comayagua, El Paraíso, Progreso, and Ocotepeque. State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

¹⁵ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

¹⁶Committee of Relatives of the Detained-Disappeared in Honduras (COFADEH), Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

¹⁷COFADEH, Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

¹⁸ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023. Cited: Office of the Public Prosecutor, [Acusación a comunicadora es por usurpación agravada y no por labor de informar](#), May 25, 2022.

members of this council have been accused of aggravated encroachment and alteration of terms or boundaries, crimes unrelated to reporting work, and that three members of the council, including the president of the council, had also been accused of the crime of damage due to the complaint filed by the owner of three properties in San José, La Paz, for the damage done to and fires on those properties. The statement made by the Office of the Public Prosecutor indicates that the accused individuals, claiming to be members of the aforementioned indigenous council, encroached upon 9 *manzanas* [approximately 15.48 acres] of the coffee farms, destroyed the outer perimeter fence, and put up a new one. It also stated that the Office of the Attorney General ordered an inspection of the site, and Ms. Sonia Pérez López was found there with another 10 persons. On August 17, 2021, the National Agrarian Institute (INA) issued a report indicating that the owner's properties were not located within the coordinates of the community deed granted to the aforementioned indigenous council, for which reason a judge ordered their eviction. The State indicated that they were evicted on May 18, 2022, a long time after Sonia Pérez had been found on the properties, and that the eviction was carried out peacefully without the Attorney General's Office having to issue arrest warrants.¹⁹

31. Additionally, civil society organizations informed the Commission that, on July 8, 2022, approximately 200 police officers allegedly repressed and violently evicted 7 members of the Movimiento Revolucionarios del Sur from the facilities of the Región Sanitaria del Sur, while they were protesting the appointment of the director, the lack of medicines, the politicization of appointments without requirements, and abuses of authority. According to the information reported, the members of the Movement were reportedly detained, subjected to mistreatment, and criminally charged. According to the information reported, members of the Movement were detained, subjected to ill-treatment and criminally charged. In this regard, the Commission received information according to which, in these facts, Joel Gómez, who was covering the arrests for the Tele Vida television channel; Amanda Pastrana, of Tele Vida, and Selvin Euceda, of Tele Marcovia were beaten; Ninoska Johana Mejía Osorto received the impact of a tear gas bomb on her calf, and Lorena Herrera, Lesly Estrada and Franklin Núñez were injured.²⁰

32. The IACHR has taken note of the State's adoption of measures that, according to the information received, could help ensure that the rights to life, humane treatment, and personal liberty are protected in social mobilizations. Specifically, the Commission takes note of the efforts reported by the State to issue an order from the highest level to prohibit any repression of peaceful social protest, as well as measures adopted by the Ministry of Security and by the SEDH to strengthen the capacities of different actors to reduce social conflict and the exercise of demonstrations, and adopt tools to prevent and address social conflicts, including the methodological guide to technical prevention committees, a protocol for responding to social conflict, technical advisory services, and analyses of social conflict in the different departments.²¹

33. However, the Commission also identifies that there is still information reported by civil society or known through other sources,²² according to which episodes of demonstrators being forcibly and violently evicted allegedly continue to occur. In evaluating the State's level of compliance, the IACHR notes that this recommendation requires a specific outcome, namely, that demonstrators' rights to life, personal integrity,

¹⁹State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023. Cited: Office of the Public Prosecutor, [Acusación a comunicadora es por usurpación agravada y no por labor de informar](#), May 25, 2022.

²⁰COFADEH, Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

²¹State of Honduras, Follow-up Report published on the Inter-American SIMORE, Recommendation No. 1, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#); State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

²²COFADEH, Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022. CONADEH, Official letter CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

and personal liberty are protected. Given the alleged information about these episodes, which seem to show that in practice the rights listed in the recommendation are not being guaranteed, the IACHR considers State compliance to be **partial**.

34. On this matter, this compliance progress can be demonstrated through data proving that the informed actions have led, in practice, to a significant reduction in the number of violations of the exercise of these rights, as well as in the number of violations of the rights to life, personal integrity and liberty of demonstrators during social mobilizations. In this regard, the progress in compliance may be confirmed by data showing that the reported actions, beyond their adoption, have meant in practice a significant reduction in violations of the exercise of these rights, as well as violations of the rights to life, personal integrity and liberty of all persons who demonstrate during social mobilizations.

35. Regarding the recommendation **to carry out diligently and impartially investigations with the purpose of identifying and punishing those responsible for the acts of violence, murders, and ill-treatment in the context of the post-election protests**, the State reported information from both the SEDH and the Office of the Public Prosecutor.²³ In addition, the Ministry of Human Rights reported that the Office of the Public Prosecutor had failed to investigate and prosecute. It also indicated that since the *coup d'état*, the justice system has been highly politicized, influenced and monopolized, which is the main obstacle in the fight against corruption and impunity.²⁴ In its observations to this report, the State of Honduras indicated that in an urgent statement,²⁵ the SEDH firmly condemned the murders of human rights defenders and called on the Ministry of Security to fulfill its constitutional and executive mandate by providing protection and security to human rights defenders who have been persecuted, threatened, and/or attacked, especially in areas with territorial conflicts. In the statement, the SEDH also urged the State Attorney General's Office and the judiciary to immediately investigate these crimes and to guarantee impartial scientific analysis, identification of the perpetrators and instigators, the prosecution thereof, and access to justice for the victims' families.²⁶

36. For its part, the Public Prosecutor's Office reported on the current status of three cases of deaths that occurred in the post-electoral context, namely, the case of David Octavio Quiroz Urrutia (it reported that the cassation appeal filed by the Special Prosecutor's Office for Contestations); the case of Virgilio Jared Ávila Gonzáles (it reported that the sentence of the Court is pending), and the case of Maikin Enoc Ramírez Meza (it indicated that it is being provisionally dismissed). In addition, the Office of the Public Prosecutor pointed out that 23 files were open for human rights violations,²⁷ but that no prosecutorial requests for trial were filed and that, in addition, 20 files were closed and administratively archived due to the withdrawal of the case.²⁸

²³State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 2, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁴State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 2, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁵ Cited: SEDH, *Ante el asesinato de los defensores del medio ambientes suscitado el 07 de enero de 2023 en la Aldea Guapinol, Municipio de Tocoa, Colón, la DGSP, a la población nacional y comunidad internacional comunica*, January 10, 2023. State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

²⁶ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

²⁷Regarding this number, according to information from the Office of the Public Prosecutor, out of the 29 initial complaints, 10 were excluded because they were not considered to be related to the post-electoral crisis. The Office of the Public Prosecutor informed that, in addition, four files were added. State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 2, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁸State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 2, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

37. In this regard, the National Human Rights Commission informed the Inter-American Commission that the SEDH had formulated initiatives to guarantee the right to truth, such as the inauguration of the Ysi Obed Murillo square, on July 26, 2022, and the announcement of a policy of truth, memory and justice, although it is not aware of the current status of these measures. It also indicated that, although impunity persists with regard to the facts pointed out, there are encouraging initiatives to guarantee the truth and ensure the memory of the human rights violations committed during the *coup d'état* and the post-electoral crisis of 2017.²⁹ In its observations to this report, the State of Honduras indicated that in addition to inaugurating the square, it had put up 12 commemorative plaques with the names of 168 victims of the repression during the 2009 *coup d'état*, as well as the victims of the 2017 post-election crisis, identified by the Committee of Relatives of the Detained-Disappeared in Honduras (COFADEH).³⁰

38. For their part, civil society organizations informed the Commission that there is no progress in the prosecution and punishment of the human rights violations registered during the post-electoral protests, with impunity prevailing for these events. According to this information, justice operators facilitated impunity in cases of violent deaths, torture and ill-treatment against demonstrators or mobilized individuals as a result of attacks or the use of lethal force by the military police and the national civil police, or by civilians acting with the acquiescence or tolerance of the authorities. Out of the 33 deaths registered during this period, only those of Virgilio Yareth Ávila and David Octavio Quiróz were prosecuted, with the defendants acquitted in both cases.³¹

39. The Commission appreciates the SEDH's urgent statement³² firmly condemning the murders of human rights defenders, which called on the Ministry of Security to protect and provide security to human rights defenders and urged the Office of the Attorney General and the judiciary to immediately investigate and prosecute these cases.³³ With regard to compliance with this recommendation, the Inter-American Commission finds that the State has not provided information that would help to identify any progress made in the investigation, identification, and punishment of those responsible for the acts of violence, murders, and ill-treatment in the context of the protests that took place after the 2017 elections. However, based on the information available to the Commission, it concludes that this call has not been heard, despite the fact that the facts to be investigated were not isolated, but rather were part of a particular context of violence. The Commission reiterates to the State its obligation to ensure prompt and effective justice, as well as to conduct prompt and impartial investigations and punish those responsible.³⁴ Furthermore, considering the absence of measures to comply with this recommendation and the magnitude of the context of violence whose facts should be investigated and sanctioned, the Commission considers that this recommendation remains **pending compliance**.³⁵

40. To guide the follow-up of this recommendation, the Commission invites the State to submit information on the opening of investigations into the complaints received relating to the acts of violence, murders, and ill-treatment in the context of the post-election protests, and their progress. This information will be helpful to advance more systematically in the identification and effective punishment of the alleged

CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

³⁰ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

³¹COFADEH, Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

³² Cited: SEDH, [Ante el asesinato de los defensores del medio ambiente suscitado el 07 de enero de 2023 en la Aldea Guapinol, Municipio de Tocoa, Colón, la DGSP, a la población nacional y comunidad internacional comunica](#), January 10, 2023. State of Honduras, Note 10/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

³³ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

³⁴IACHR, [Situation of Human Rights in Honduras](#), OEA/Ser.L/V/II. Doc. 146, August 27, 2019, para. 81.
Doc. 146, August 27, 2019, para. 29.

perpetrators of these acts. In this regard, the Commission emphasizes that the systematization of the data related to the complaints about these facts will provide more certainty on the number of investigations that should be opened for the acts of violence perpetrated in the post-electoral context and, in turn, will facilitate the appropriate follow-up to the implementation of this recommendation as a whole.

41. In relation to the **recommendation on ensuring due process and access to comprehensive defense for all persons detained in the post-election context in accordance with inter-American human rights standards**, the Office of the Public Prosecutor stated that “in the context of the violations of fundamental rights committed in the post-electoral crisis, the exercise of public criminal action through objective and impartial investigations is guaranteed to the victims.”³⁶ For its part, through the SEDH, the State indicated that Legislative Decree No. 04-2022 enacting the Law for the Reconstruction of the Constitutional Rule of Law and for the Non-Repetition of Events was issued, which grants general, broad and unconditional amnesty for persons who participated in social protests, benefiting 217 persons, including 74 demonstrators.³⁷ In its observations to this report, the State also indicated that it is challenging to calculate the number of cases that were criminalized between the 2009 *coup d'état* and 2021, and specifically, in the post-election conflict of 2017. The State also indicated that the challenge of standardizing the information from the SEDH, civil society organizations, and the Supreme Court of Justice persists, making it difficult to establish specific figures on criminalization of acts in a context in which coercive and selective measures were arbitrarily applied against fundamental freedoms.³⁸ Likewise, according to the information reported by the National Human Rights Commission, no significant progress was made to achieve compliance with this recommendation.³⁹

42. For its part, the Commission received information from civil society, according to which in the context of the post-electoral protests, at least 178 people were prosecuted for common crimes whose trials lasted for four years. Out of those 178 people, at least 22 were held under pretrial detention in maximum security prisons. Likewise, the Commission was informed of the amnesty granted under the Law for the Reconstruction of the Constitutional Rule of Law and for the Non-Repetition of Events passed by the current government, whose Chapter II provides amnesty for the release of political prisoners and prisoners of conscience. The Commission received information according to which this regulation was widely questioned because it benefits officials of the cabinet of former President Manuel Zelaya Rosales, who were subjected to politically motivated judicial proceedings after the 2009 *coup d'état*,⁴⁰ as well as for the lack of clarity regarding the application of amnesty to acts carried out in the exercise of public functions which are reportedly unrelated to the *coup d'état*, such as those involving corruption and common crimes.⁴¹ In this regard, according to civil society organizations, to date, the amnesty decree has allegedly been applied to 144 individuals criminalized for alleged political reasons, as follows:

- Six former officials of former President Zelaya's cabinet.
- Seventy-two political opponents who exercised their constitutional right to social protest, through acts of resistance to oppression and of civil disobedience of different kinds, and whose actions were repressed by police and military forces and criminalized by the Office of the Public Prosecutor and the judiciary for evidently political reasons.
- Forty-four land and territory defenders.

³⁶State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 3, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

³⁷Although the State provided this information within the framework of Recommendation No. 2 of the country report, the reported measure is relevant and pertinent to the follow-up of Recommendation No. 3. State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 2, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

³⁸ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its “Situation of human rights in Honduras” report, March 1, 2023.

³⁹ CONADEH, Official letter No. CC&LE-004-2022, September 9, 2022. Report on monitoring of recommendations, Honduras.

⁴⁰COFADEH., Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

⁴¹National Anticorruption Council, [“Pacto de impunidad” statement](#), February 3, 2022; Center for the Study of Democracy (CESPAD), [Informe de monitoreo. Agenda Anticorrupción del Congreso Nacional](#), November 2022, p. 6.

- Twenty-two members of social and trade union sectors were criminalized for defending collective rights.⁴²

43. With regard to this information, the State of Honduras clarified in its observations to this report that in 2022, Legislative Decree 04-2022 benefited 194 persons facing judicial proceedings on account of having been accused of crimes associated with protests and crimes resembling political persecution, as well as due to their ties to social and trade groups. The State also indicated that the six former civil servants who benefited from Legislative Decree 04-2022 relied on Article 4(a) of the aforementioned law.⁴³

44. Likewise, it was reported to the Commission that, judicial authorities hindered and delayed the application of the amnesty decree.⁴⁴ These are the cases of the Alvarado Santiago brothers and the protesters from El Progreso, Yoro, who have waited six months for the scheduling of the hearing in which it will be decided whether they will be granted amnesty. Furthermore, the Commission was informed that, since March 8, 2022, judicial authorities have filed unconstitutionality appeals against the amnesty law with the Constitutional Chamber of the Supreme Court of Justice. However, the Supreme Court of Justice has not resolved any of the 14 remedies admitted, which has prevented the proceedings through which the application of amnesty is decided from moving forward.⁴⁵ In its observations to this report, the State of Honduras informed the Commission that the jurisdictional authorities granted to the SEDH under Legislative Decree 04-2022 are contingent on the issuing of records, requested by the human rights defenders' organizations. Based on this, the State noted that the SEDH may not act ex officio and that it is the organizations themselves who, on behalf of the victims, take up and dismiss cases, provide support, and seek answers in the justice system, as the first access point for this procedure.⁴⁶

45. Based on the information available to the Commission, in addition to the acquittals previously known by the Commission in favor of Edwin Róbelo Espinal and Raúl Eduardo Álvarez Ordoñez,⁴⁷ it considers that the application of Legislative Decree 04-2022 (Law for the Reconstruction of the Constitutional Rule of Law and for the Non-Repetition of Acts) to 194 persons, including participants in social protests and demonstrations,⁴⁸ is a relevant measure that may contribute to the fulfillment of this recommendation, but whose benefits have not been granted to the entire universe of people prosecuted in the context of the protests. In turn, the Commission identifies as a persistent challenge in analyzing compliance with this recommendation the lack of information on the exact universe of persons prosecuted in the context of the 2017 post-electoral conflict, as well as the corresponding progress in the proceedings of those persons who are identified. Considering that the State has reported protesters and demonstrators who have benefited from the Law for the Reconstruction of the Constitutional Rule of Law and for the Non-Repetition of Acts, but that it still needs to

⁴²COFADEH, Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

⁴³This article grants amnesty to: "(a) The persons who served as employed civil servants or elected authorities during the government administration of the period from January 27, 2006, until June 28, 2009, and were victims of the *coup d'état*, summoned, accused, or criminally processed for opposing and protesting against the *coup d'état* and for acts typical of the exercise of their civil service; these suits were described as politically motivated." State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

⁴⁴According to COFADEH records. COFADEH, Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

⁴⁵COFADEH, Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

⁴⁶State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

⁴⁷Twitter account of the Office of the United Nations High Commissioner for Human Rights OACNUDH Honduras (@OACNUDH), "[OACNUDH saluda el fallo absolutorio emitido a favor de Edwin Róbelo Espinal y Raúl Eduardo Álvarez Ordoñez](#)," September 18, 2021.

⁴⁸State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

adopt additional compliance measures, the Commission considers State compliance with this recommendation to be **partial**.

46. In order to guide the implementation of this recommendation, the Commission requires the State to adopt measures to meet and overcome the challenge of calculating the number of persons prosecuted in connection with the post-election conflict in 2017, and to compile and provide information that will be helpful to know who and how many people were detained in the above-mentioned post-electoral context, and who would be beneficiaries of the measures that guarantee their due process or defense rights, including Legislative Decree 04-2022. The Commission also suggests that the State systematize the information on the number of persons who were detained in the post-electoral context, considering the information provided by civil society on the prosecution of persons and preventive detentions imposed in maximum security prisons. This record will help to keep track of how many of the people detained in the 2017 post-election context have faced due process and have been able to exercise their defense rights under the terms of this recommendation. Likewise, considering the observation submitted by the State, the Commission considers that progressive actions to systematize the information from the SEDH, civil society organizations', and Supreme Court of Justice registers will be useful in order to establish specific figures, which in turn, will enable the State to make progress on implementing this recommendation.

■ **Recommendations regarding citizen security**

- 4. Strengthen the capacities of the police in order to advance the implementation of the plan for the gradual replacement of the armed forces in public security tasks, in accordance with inter-American human rights standards. Likewise, establish a strategy for the progressive disengagement of the armed forces from penitentiary functions that allows for the transfer of management, at both formal and material levels, from penitentiary centers to the National Penitentiary Institute (INP).

47. Regarding the **recommendation to strengthen the capacities of the police in order to advance the implementation of the plan for the gradual replacement of the armed forces in public security tasks**, the State reported that, in March 2022, the National Police of Honduras took the operational and administrative control of the National Penitentiary System. It indicated that, for one year, this police force was assigned the responsibilities and powers of the higher authorities of the National Penitentiary System – composed of the National Penitentiary Institute and the National Institute for the Care of Juvenile Offenders (INAMI) –, which include functions in relation to its authority, control, management, and administration. In addition, the State indicated that Executive Decree PCM-03-2022 of March 1, 2022, declared a state of emergency in the National Penitentiary System to achieve its gradual and progressive demilitarization, thus ensuring respect for the rights of individuals deprived of liberty. Likewise, the State informed that the executive decrees that had appointed and extended the term of the intervening commission, made up entirely by the National Inter-Agency Security Force (FUSINA), were repealed, namely: Executive Decree PCM 068-2019 and subsequent Executive Decrees PCM-008-2020; PCM-051-2020 and PCM-102-2020. Despite the above, the State emphasized that advancing on the progressive and efficient transition of prisons in Honduras continues to be a challenge.⁴⁹

48. For its part, the National Human Rights Commission informed the Inter-American Commission that it recognizes that the National Police is undergoing a process of progressive transition with regard to the withdrawal of the armed forces in the administration of the system, although it also noted that persons deprived of liberty continue to suffer abuses. In this regard, this institution noted that, in 2021, it received 419 complaints from persons deprived of liberty and, up to the time of reporting, it had received 299

⁴⁹State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 4, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

complaints, mostly related to delays in the application of justice and to violations of the right to humane treatment.⁵⁰

49. The Commission received information from the civil society indicating that the 2022-2026 Government Plan drafted by the current president communicated proposals aimed at complying with this recommendation,⁵¹ some of which have begun to materialize. For example, it was reported that, as of March 2022, the demilitarization of detention centers was ordered, which should have become effective within an estimated 10-month period (time required to transfer their control to the National Police). Furthermore, on July 6, 2022, the government established the Community Police as the body responsible for the prevention, deterrence and control of crime and misdemeanors, and for ensuring citizen security, public order, peace, coexistence and human rights, with a community approach. Likewise, the Commission was informed that, in support of the Community Police, Citizen Security Roundtables were launched, although it was also reported that this initiative is regarded as an armed group which acts against the opposition. The Commission also received information according to which the Constitutional Chamber of the Supreme Court of Justice declared the unconstitutionality of Decree PCM-052-2019, which empowered the armed forces to develop, execute and administer the Honduran Agricultural Development Program.⁵²

50. Furthermore, the Commission is aware of the increase in the budget of the National Defense Department, which was allocated almost 10,000 million lempiras. This amount exceeded the 2021 budget, which amounted to 8,464,949,206 lempiras.⁵³ In addition, the Commission received information indicating that the military police and the armed forces continue to exercise functions related to public security, and that the demilitarization process still faces relevant obstacles of a historical nature. In this regard, the Commission was informed that, following the warnings on the increase in violent acts in public spaces, including the violent deaths of women, the secretary of Defense announced that the military police would remain in the streets to confront crime and violence, which was ratified by the military police commander, when he stated that there had been an escalation of violence, with 13 violent deaths per day during the first six months of the year, totaling 1,773.⁵⁴ In addition, the Commission was informed that the armed forces continue to carry out activities against drug trafficking, and that they continue to have a very high operating budget.⁵⁵ It was also informed that arbitrary detentions at the hands of the military forces continue to be frequent, based on discriminatory criteria. What happened on June 23 in the municipality of Francisco Morazán, where six young people were severely beaten and detained by members of the military police, is an example of said arbitrary detentions.⁵⁶

51. Recently, the Commission received information about the declaration of a state of emergency, which is governed by Executive Decree Number PCM-29-2022 in force since December 6, 2022, and which suspends six rights guaranteed in the Constitution, including freedom of movement, the right of association

⁵⁰CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

⁵¹COFADEH, Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022. Some of these purposes were to create the Community Police and restore the responsibilities of the National Police; repeal the law of the National Defense and Security Council (CNDS); determine the temporary nature of the law of the Military Police of Public Order (PMOP); demilitarize public security and citizen security, and ensure the civilian management of security and defense, as well as the separation and respect for the functions of the armed forces and the police.

⁵²COFADEH, Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

⁵³Peace Brigades International (PBI), "[Deconstruir para construir. La situación de derechos humanos en Honduras](#)," May 18, 2022, p. 19; *Pasos de Animal Grande*, "[Según datos oficiales: En la misma ruta presupuestaria para militares y policías que en 2021](#)," April 18, 2022; *Criterio Honduras*, "[Xiomara Castro aumentó el presupuesto de la Policía Militar, brazo armado de JOH](#)," July 27, 2022.

⁵⁴COFADEH, Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022. *La Prensa*, "[Xiomara Castro ordena a la Policía Militar mantenerse en las calles](#)," July 18, 2022.

⁵⁵COFADEH, Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022. CESPAD, situation analysis series: Defense series, "[Desmilitarización y reforma del sector Defensa: los desafíos de Castro para revertir el autoritarismo y fortalecer la democracia en Honduras](#)," September 2022.

⁵⁶COFADEH, Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

and assembly, and the inviolability of the home, among others, for a period of 30 days.⁵⁷ In this regard, the Commission notes that this decree allows the military police, in coordination with the National Police, to continue carrying out public security tasks.⁵⁸ The Commission reminds the State that, while it has an obligation to ensure the security of all people within its jurisdiction, it must do so with respect for human rights and international treaties. In this regard, it recalls that the suspension of rights and guarantees constitutes a provision for extraordinary circumstances and not a means to confront common crimes, for which reason Honduras must ensure that emergency regimes comply with the requirements of Article 27 of the American Convention.⁵⁹

52. Additionally, the Inter-American Commission is concerned about the fact that, according to records of the National Human Rights Commission, which are included in its 2021 Annual Report, citizens frequently reported personal integrity violations by security forces and private individuals, as well as acts against women, human rights defenders and members of the lesbian, gay, bisexual, transgender and intersex community. In this regard, the National Human Rights Commission, noted that, in 2021 at least 469 women filed complaints against the Ministry of Security; that, human rights defenders filed complaints against municipalities, the Ministry of Environment⁶⁰ and the Ministry of Security, and that about 11 percent of the complaints filed by lesbian, gay, bisexual, transgender and intersex people involved the Ministry of Security.⁶¹

53. Having said the above, the Commission will analyze compliance with this recommendation in two parts, namely, Recommendation No. 4.a and Recommendation No. 4.b, as specified below.

54. Regarding Recommendation No 4.a, that is, to *strengthen the capacities of the police in order to advance the implementation of the plan for the gradual replacement of the armed forces in public security tasks, in accordance with inter-American human rights standards*, the Commission identifies that the State did not provide information that would lead to the conclusion that it adopted measures aimed at demilitarizing public security tasks in order to hand over their execution to the police. Notably, the information provided by the State specifically addressed the demilitarization of prisons, which falls under recommendation 4.b, and will be analyzed below. The IACHR recognizes that, although it did learn of some information reported by civil society on the Community Police as an agency in charge of maintaining citizen security and on the unconstitutionality of Decree PCM-052-2019, which gave the armed forces the power to develop, execute, and administer the Honduran Agricultural Development Program, it also received information indicating that in 2022, the armed forces and the military police continued to perform public security functions.⁶² While it awaits specific information from the State on the plan to gradually replace the armed forces in public security tasks, the Commission considers compliance with this recommendation to remain *pending*.

55. In order to advance the process of implementation of this recommendation, the Commission invites the State to report information that evidences the adoption of measures aimed at strengthening the capacities of the police to move forward with the gradual removal of the armed forces from public security tasks, not only with respect to correctional facilities and given the information received by the IACHR showing that the armed forces and military police continue to play a role in public security. This information may consist, for example, of a description of institutional strengthening measures such as an adequate budget, sustained

⁵⁷*La Gaceta*, Executive Decree No. PCM-29-2022, December 3, 2022.

⁵⁸OACNUDH Honduras, "[OACNUDH llama a adoptar respuestas integrales de combate a la violencia y criminalidad a partir de un enfoque de derechos humanos](#)," December 6, 2022; Washington Office on Latin America (WOLA), "[Honduras: State of Emergency Puts Human Rights at Risk](#)," December 7, 2022.

⁵⁹IAHR Court, Zambrano Vélez *et al.* v. Ecuador. Merits, reparations and costs. Judgment of July 4, 2007. Series C No. 166, para. 52.

⁶⁰ CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras. The CONADEH indicated that this information is included on pages 48, 52, and 59 of its 2021 Annual Report.

⁶¹ CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

⁶² See paragraph 42 above.

and continuous training programs, including human rights issues, as well as a strategy aimed at equipping the police with the capabilities to deal with the tasks of maintaining and protecting citizen security, including the development and adoption of protocols. Finally, the Commission reminds the State that the responsibility for maintaining internal public order and citizen security should be primarily reserved to civil police forces, and when the armed forces exceptionally intervene in security tasks, their participation should be extraordinary, subordinate, and complementary, regulated and supervised.⁶³

56. Regarding Recommendation No. 4.b, on the *establishment of a strategy for the progressive disengagement of the armed forces from penitentiary functions that allows for the transfer of management, at both formal and material levels, from penitentiary centers to the National Penitentiary Institute*, the Commission identifies that the State has adopted some measures aimed at its progressive fulfillment, including the taking over of the management of the National Penitentiary System by the National Police. Taking into account the information and progress reported by the State in the implementation of this recommendation, the Commission considers that its level of compliance is **partial**.

57. In order to guide the implementation of this recommendation, the Commission suggests that the State should systematize and provide objective data on the progress made in the gradual process of demilitarization of penitentiary functions and disengagement of the armed forces. In this regard, it is suggested that these measures also guarantee their continuity over time. The Commission also invites the State to provide information describing the next phases in the process of disengagement of the armed forces from prison functions, including an estimated period of time for its final completion.

▪ **Recommendations regarding the administration of justice**

- 5. Develop an access to justice plan to ensure that victims, family members and human rights defenders have broad access to investigations and prosecutions related to human rights violations in order to strengthen an independent and impartial justice system.
- 7. Strengthen the Office of the Prosecutor for Crimes against Life (FEDCV), provide it with protocols, sufficient personnel and an adequate budget to combat impunity for crimes against human rights defenders and journalists, with a differentiated approach and a gender perspective. In addition, urgently provide a budget for the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators.
- 12. Adopt a human rights approach in anticorruption policies.

58. Regarding the **recommendation to develop an access to justice plan to ensure that victims, family members and human rights defenders have broad access to investigations and prosecutions related to human rights violations in order to strengthen an independent and impartial justice system**, the State reported that, through the SEDH, the program on memory and truth, reparation, justice and non-repetition is under construction, which seeks to reconcile and reorganize Honduras in favor of the victims left without justice, reparation and truth for the facts that took place during the 1980-1995, 2009-2021 and 2009-2021 periods, as well as the victims of serious human rights violations committed between 1994 and 2005 declared in international judgments. In addition, on February 4, 2022, Legislative Decree 04-2022 (Law for the Reconstruction of the Constitutional Rule of Law and for the Non-Repetition of Events) was

⁶³ IAHR Court, [Alvarado Espinoza et al. v. Mexico](#), Merits, reparations and costs. Judgment of November 28, 2018. Series C No. 370, paras. 181 and 182.

approved, which empowers the Ministry of Human Rights and the Committee of Relatives of the Detained-Disappeared in Honduras (COFADEH) to study cases of people who were criminalized for seeking the restitution of the Rule of Law in the 2009 *coup d'état*. The State indicated that 217 people prosecuted for crimes related to protests, association with trade unions and political persecution benefited from this decree.⁶⁴

59. Likewise, the State indicated that, in order to guarantee the independence of the judiciary, the Special Law for the Organization and Functioning of the Nominating Board for Candidates to the Supreme Court of Justice was issued with the purpose of making this election legitimate and transparent. In spite of these measures, the Ministry of Human Rights reiterated the deficiencies in the investigation, the prosecution and the exercise of criminal actions by the Office of the Public Prosecutor and the Supreme Court of Justice, and it emphasized that, since the *coup d'état*, the justice system in the country has been highly politicized, influenced and monopolized, thus becoming the main obstacle in the fight against corruption and impunity.⁶⁵ In its observations to this report, the State of Honduras added that the Regulations for Implementing the Special Law for the Organization and Functioning of the Nominating Board for Candidates to the Supreme Court of Justice had been approved.⁶⁶ The State also reported on the election of the new full Supreme Court of Justice, made up of eight justices (one chief justice and seven other justices), highlighting that significant progress had been made on gender equality, as for the first time in Honduras, both the executive branch and the judiciary are simultaneously led by women.⁶⁷

60. Information from the Public Prosecutor's Office indicates that the Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators (FEPRODDHH) established the Mobile Complaints Reception Module on a regular basis and in strategic areas to provide legal advice and take complaints from victims, family members and human rights defenders. It also pointed out that a protocol is being developed for receiving complaints and exchanging information with the State's protection mechanisms through the PRODERECHOS program to guarantee expeditious investigations and the effective protection of these individuals.⁶⁸

61. Despite the above, during the protocol and working visit of the Commission to Honduras in 2022, civil society organizations voiced their concern about the persistently high levels of impunity in Honduras.⁶⁹ For its part, information from the National Human Rights Commission indicates that, for the first half of 2022, more than 90 percent of the crimes against the physical integrity and life of people remained unpunished.⁷⁰ Additionally, the Commission has received from the civil society information indicating that attacks against human rights defenders remain unpunished with little or no institutional presence in the phases of prevention of, attention to and investigation into these facts.⁷¹

⁶⁴ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 5, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

⁶⁵ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 5, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

⁶⁶ Cited: Resolution 01-2022-JN, Gazette 36,050, October 13, 2022. State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

⁶⁷ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

⁶⁸ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 5, October 26, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

⁶⁹ Information provided by civil society organizations in the context of the protocol visit of the IACHR to Honduras carried out between August 30 and September 1, 2022.

⁷⁰ CONADEH, "[Alrededor de 900 denuncias: Entes que integran el Sistema de Justicia los más denunciados ante del CONADEH](#)," July 18, 2022.

⁷¹ COFADEH, Follow-up on compliance with recommendations, Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

62. Based on the information provided by the State, the Commission evaluates the measures described above that are being developed or implemented. However, considering the specific content of this recommendation, the Commission requests information that specifically identifies how these measures constitute an access to justice plan in the terms explained therein. In particular, it is necessary for the Commission to know the current status of the development of protocols for the investigation of the deaths of human rights defenders, which were being designed in collaboration with the Office of the United Nations High Commissioner for Human Rights in Honduras.⁷² In the absence of this information, the Commission considers that this recommendation remains **pending compliance**.

63. To guide the implementation of this recommendation, the Commission kindly invites the State to submit information indicating that an access to justice plan that encompasses the aforementioned components is under construction or in the execution phase. In this regard, it will be important that this plan, apart from including isolated measures for the reception of complaints, proves that it will comprise articulated and inter-institutional actions whose implementation will seek, in a concrete manner, to expand access to investigations and prosecutions of human rights violations for victims and/or their relatives.

64. In relation to the **recommendation to strengthen the Office of the Prosecutor for Crimes against Life, providing it with protocols, sufficient personnel and an adequate budget to combat impunity for crimes against human rights defenders and journalists, with a differentiated approach and a gender perspective, as well as urgently providing a budget for the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators**, the State informed that, on April 8, 2022, the Ministry of Finance, through Legislative Decree 30-2022, modified the general revenue and expenditure budget of the Republic, allocating 2,240,683,987 lempiras to the Office of the Public Prosecutor. However, it acknowledged that there is still a need to restore the country's finances in order to provide public institutions, including the prosecutor's) offices within the Office of the Public Prosecutor, with a better budget.⁷³

65. With regard to the Office of the Prosecutor for Crimes against Life and the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators, the State reported the following:⁷⁴

- With regard to the Office of the Prosecutor for Crimes against Life, it pointed out that, for 2022, according to Legislative Decree 30-2022, said office was assigned a budget of 27,514,838.97 lempiras. It reported that this office had 31 prosecutors and eight assistant prosecutors in Tegucigalpa; 19 prosecutors and one assistant prosecutor in San Pedro Sula; two prosecutors in La Ceiba and one in each local office. It also indicated that, in terms of investigative tools, a protocol is being developed for the investigation of crimes against human rights defenders, the deaths of lesbian, gay, bisexual, transgender and intersex persons, and crimes related to people involved in politics.
- It also informed that the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators was assigned a budget of 13,585,645.26 lempiras. It indicated that this office had five prosecutors, including the chief and deputy chief prosecutor of the office, three assistant prosecutors and seven people who perform various administrative tasks, providing nationwide coverage. It also stated that, at the time of reporting, 10 training sessions had been held for more than 200 people, including human rights defenders, journalists, social communicators and justice operators. It also

⁷²IACHR, [2021 Annual Report, Chapter 5, Honduras](#), para. 51.

⁷³State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 5, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

⁷⁴State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 5, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

pointed out that the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators is implementing the Single Criminal Investigation Manual (Agreement FGR-004-2022).

66. Finally, it pointed out that the Office of the Public Prosecutor approved the Protocol of Procedures and Use of the Mobile Unit for Comprehensive Attention to Vulnerable Sectors (Agreement FGR-005-2022) to facilitate access to justice and strengthen investigation processes. In addition, it indicated that the protocol of action of the Office of the Special Prosecutor on Human Rights (Agreement FGR-006-2022) was approved to standardize the services provided by the Office of the Public Prosecutor at a national level.⁷⁵

67. The Commission observes that, compared to the information provided during 2021,⁷⁶ the State has failed to report specific actions that would evidence its progress in the implementation of this recommendation and therefore it considers that this recommendation is still **pending compliance**.

68. In order to guide progress in the implementation of this recommendation, the Commission invites the State to adopt concrete measures, such as implementing protocols, providing sufficient staff and adequate budget to strengthen the exercise of the State's functions with the purpose of combating impunity for crimes against human rights defenders and journalists. In order for the follow-up of this recommendation to be continuous and progressive, the Commission requests that the information provided takes into consideration the observations made by itself in previous years and in this report, and that said information mentions the progress of previously reported state measures, including the training programs for prosecutors, the development and implementation of protocols and other instruments. The Commission also invites the State to strengthen and report on the budget allocated to each prosecutor's office, as well as the personnel hired for their operation. Finally, the Commission also identifies that any progress in the implementation of this recommendation will be enriched by measures and protocols specifically applicable to combating impunity for crimes against journalists.

69. Regarding the recommendation requesting the State **to adopt a human rights approach in anticorruption policies**, the State pointed out that, in order to comply with the bicentennial government plan to reorganize Honduras and build a socialist and democratic State, it is imperative to restructure the public administration, which has rapidly weakened since the 2009 *coup d'état*. The State indicated that a participatory plan would be developed by the Transparency and Anti-Corruption Roundtable to regain access to the Millennium Challenge Account (MCA) and improve performance indicators. It pointed out that this plan would be developed with the participation of the three branches of government, civil society, the private sector, oversight bodies, international organizations, and the general public. It also indicated that the plan is part of the agreement between the government of Honduras and the United Nations Secretariat for the establishment of the International Commission against Corruption and Impunity in Honduras (CICIH). The State indicated that the plan to regain access to the Millennium Challenge Account articulates its actions with the National Transparency and Anti-Corruption Strategy (ENTAH, 2022 to 2026) and with its international commitments, such as those emanating from the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (UNCAC), the Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC), the Lima Commitment, among others. Finally, the State indicated that it welcomed the Anti-Corruption Coalition, which presented the process on building the anticorruption public policy to the civil society. The State will also provide technical support to mainstream the human rights approach in public policy.⁷⁷

⁷⁵State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 5, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

⁷⁶IACHR, *2021 Annual Report, Chapter 5, Honduras*, paras. 47 to 52.

⁷⁷State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 12, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

70. Furthermore, the Office of the Public Prosecutor indicated that, although it is still necessary to strengthen the Office of the Special Prosecutor for the Prosecution of Justice Sector Officials and Servants (FEEFS-SJ), said office has carried out the following actions:⁷⁸

- It filed impeachment proceedings and prosecutor's requests for trial against officials and employees of the judiciary for actions contrary to the law on crimes against the public administration.
- The defendants are informed of the basis of the facts attributed to them.
- International instruments on corruption and human rights, such as the Inter-American Convention against Corruption and the Covenant on Civil and Political Rights, are implemented in requests, closures and administrative resolutions.
- Measures have been taken to guarantee the privacy of those under investigation, lawyers and victims.
- Less harmful precautionary measures have been requested against the defendants.
- Decisions regarding a complaint are taken in conjunction with the investigation team.
- There is prosecutorial personnel specialized in human rights who receive constant training.
- Investigation proceedings were initiated against officials and members of the National Police and other criminal investigation entities for the crime of money laundering, which led to deprivation of ownership measures.

71. Finally, the State pointed out that the Institute for Access to Public Information (IAIP), with the support of the National Democratic Institute, updated the verification guidelines and best practices manuals for various state actors, divided as follows:⁷⁹

- Transparency guidelines for the publication of *ex officio* information of political parties (currently under implementation).
- Best practices manual for political parties.
- Best practices manual for electoral bodies.
- Best practices manual for the National Congress.
- Transparency guidelines for the publication of *ex officio* information of the centralized and decentralized public administration (currently under adaptation).

72. It also reported that the Institute for Access to Public Information, with the support of the Eurosocietal program of the European Union, designed and implemented the Municipal Transparency Management Model (MGTM) of Honduras, which seeks to improve the internal management of the country's municipalities, so that transparency and accountability processes are expedited. It noted that 85 municipalities are currently implementing these tools. Finally, the State indicated that the Institute for Access to Public Information, with funding from the European Union's HondurACTion program, designed and implemented a proactive transparency guide for municipalities in Honduras aimed at enabling municipal corporations to publish and provide information to their communities, apart from complying with the Law on Transparency and Access to Public Information (LTAIP). In this regard, it indicated that this initiative is currently in the pilot stage with four municipalities, and it is expected to extend to other areas across the country.⁸⁰

73. For its part, the National Human Rights Commission informed the Inter-American Commission that, in compliance with its mandate, it continued to monitor the functioning of the State, public

⁷⁸State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 12, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

⁷⁹State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 12, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

⁸⁰State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 12, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

administration and the fight against corruption through complaints and inspections of institutions with a human rights approach.⁸¹

74. Based on the information that the Commission has learned in the follow-up of this recommendation, it appreciates the statement of the SEDH that a participatory plan will be drafted aimed at improving the performance indicators that will allow the country to regain access to the Millennium Challenge Account and at developing international commitments, including the agreement between the government of Honduras and the United Nations General Secretariat for the establishment of the CICIH. However, to date, the Commission has no information on the effective implementation of concrete measures which would serve as evidence of the drafting of said plan or which would allow the Commission to conclude that a human rights perspective is being applied in addressing corruption. In this regard, the Commission considers that this recommendation is still **pending compliance**.

75. In order to guide the implementation of this recommendation, the Commission invites the State to ensure that the policies implemented to fight corruption include a human rights perspective. This perspective implies ensuring principles such as the centrality of the victims; adopting the necessary measures to address and redress the disproportionate and aggravated impact of corruption on vulnerable or historically discriminated population groups; guaranteeing efficient, prompt and complete investigations; protecting witnesses, victims and family members; establishing special protection mechanisms for journalists, human rights defenders and other persons who report acts of corruption when there are situations of structural violence or co-optation by all parts or a part of the state apparatus through corruption networks; and promoting international cooperation in cases of international corruption.⁸² In addition, the Commission calls upon the State to continue to report information on the progress achieved in the measures whose implementation has already begun, so as to analyze their evolution and implications for this recommendation.

▪ **Recommendations regarding freedom of expression**

- 6. Review national legislation and remove crimes that may restrict the exercise of the right to freedom of expression and the work of journalists.
- 8. Review the Law for the Classification of Public Documents Related to National Security and Defense and the regulations adopted subsequently, to ensure their compatibility with the principles developed by international human rights law.

76. Regarding the **recommendation to review national legislation and remove crimes that may restrict the exercise of the right to freedom of expression and the work of journalists**, the State reported that, under the bicentennial government plan, any contract or law that threatens transparency, freedom of access to public information and citizen participation may be reformulated or repealed. In this regard, it stated that the removal of crime types that restrict the exercise of the right to freedom of expression and the work of journalists would be promoted. Despite its intention, the State also pointed out that the proposal had not yet been discussed.⁸³

77. In its observations to this report, the State provided information from the National Congress according to which the Justice and Human Rights Commission held a first dialogue with the SEDH to present an initiative for reforming the National Protection System. The State also added that it had created an Anti-corruption Commission, which has decided in favor of 10 legislative proposals, including the: repeal of the Law for the Classification of Public Documents Related to National Security and Defense - Secrecy Law; General Law

⁸¹CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations.

⁸²IACHR, *Corruption and Human Rights: Inter-American Standards*, OEA/Ser.L/V/II Doc. 236, December 6, 2019, recommendations 1-7 on addressing corruption from a human rights perspective.

⁸³State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 6, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

on Archives; repeal of Article 131(A) of Legislative Decree 83-2004, containing the Organic Budget Law; and, amendment of Article 13(2) of Legislative Decree 170-2006, containing the Law on Transparency and Access to Public Information. With regard to the review of national laws to eliminate crimes or legal concepts that could restrict the exercise of the right to freedom of expression, the State also reported that the SEDH has conducted an analysis to ensure the articles of the Criminal Code that criminalize human rights defenders (crimes against honor) adhere to conventions, to reiterate to the National Congress (the body with the power to amend them) that crimes against honor should be decriminalized because they constitute restrictions on freedom of expression and opinion.⁸⁴

78. The Commission appreciates the will expressed by the State in the sense of seeking to reformulate or repeal all regulations that threaten freedom of expression and the work of journalists. However, the Commissions calls the State to share specific information which lead to the conclusion that it has made progress in this review and taken into consideration the concerns voiced since 2021, particularly in view of the approval of the legislative reforms to the Criminal Code and the Special Act on Money Laundering (approved by Decree 93/21 on October 7, 2021) which, because of their formulation, may have a regressive impact on freedom of expression and the exercise of the right to protest in Honduras.⁸⁵

79. Regarding these legislative reforms, both the Commission and the Office of the Special Rapporteur for Freedom of Expression (RFOE) have already issued a statement calling upon the State to review these reforms with the aim of bringing them into line with international human rights standards and commitments. In particular, this is to ensure that criminal law is not used as a means to restrict the exercise of freedom of peaceful assembly, as well as to limit the work of human rights defenders and journalists.⁸⁶ In this regard, information on the review of these regulations will be essential for the follow-up of this recommendation.

80. Apart from the above, the Commission and its Office of the Special Rapporteur for Freedom of Expression have received information on the use of criminal law to punish speech protected by the right to freedom of expression, including journalistic information of public interest. In this regard, the Office of the Special Rapporteur for Freedom of Expression learned that, in 2022, journalist Sonia Pérez López, correspondent for Radio Progreso, was accused of the crimes of aggravated usurpation and damage to property after she covered an eviction of indigenous families in San José, department of La Paz.⁸⁷ According to the information reported, in an initial hearing held on June 19, 2022, the Court issued several precautionary measures against the journalist, which included a prohibition to leave the country and an order to sign the judicial control book every 30 days while the proceedings were ongoing. In this regard, the Commission learned that several organizations, including the Committee to Protect Journalists (CPJ), demanded the termination of this proceeding, inasmuch as they regarded it as an illegitimate mechanism used to limit her work as a journalist. The Commission and its Office of the Special Rapporteur for Freedom of Expression appreciate the fact that, at the end of June, the charges against her were dropped by the justice system.⁸⁸

⁸⁴ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its “Situation of human rights in Honduras” report, March 1, 2023.

⁸⁵IACHR, [Situation of Human Rights in Honduras](#), OEA/Ser.L/V/II. Doc. 146, August 27, 2019, paras. 62-68; IACHR, [“IACHR Concerned About the Implementation of Legislative Reforms with a Regressive Impact on the Exercise of the Right to Protest in Honduras,”](#) Press Release No. 304, November 16, 2021.

⁸⁶IACHR, [“IACHR Concerned About the Implementation of Legislative Reforms with a Regressive Impact on the Exercise of the Right to Protest in Honduras,”](#) Press Release No. 304, November 16, 2021.

⁸⁷Committee to Protect Journalists, August 2, 2022, [“Honduran journalist Sonia Pérez criminally charged over reporting on Indigenous evictions,”](#) Radio Progreso, May 25, 2022, [“Ministerio Público criminaliza a corresponsal de Radio Progreso,”](#) *ConexiHon*, June 30, 2022, [“Sonia Pérez, judicializada por ser periodista.”](#)

⁸⁸Committee to Protect Journalists, [“Honduran journalist Sonia Pérez criminally charged over reporting on Indigenous evictions,”](#) August 2, 2022; Information provided by COFADEH, November 3, 2022.

81. In this regard, the Commission and the Office of the Special Rapporteur for Freedom of Expression have also received information on restrictions to the right to freedom of expression through the use of criminal types of defamation. Furthermore, the Commission and the Office of the Special Rapporteur for Freedom of Expression warned about the opening of a new criminal proceeding for defamation against Congresswoman María Luisa Borjas by a congressman, after she accused him of being allegedly responsible for alleged irregularities in the primary electoral process within the Libertad y Refundación political party.

82. In view of these facts, the Commission states that the review of the national legislation in the terms of this recommendation also implies that the State ensures that the application of the criminal law in force is not used as a mechanism to inhibit and harass those who practice journalism. In this regard, the Commission reiterates that the use of criminal mechanisms to punish expressions on matters of public interest or on public officials, candidates for public office or politicians violates Article 13 of the American Convention, since there is no imperative social interest that justifies it, it is unnecessary and disproportionate, and it may constitute a means of indirect censorship given its intimidating and inhibiting effect on the debate on matters of public interest.⁸⁹ Based on the foregoing, the Commission considers that this recommendation is still **pending** compliance.

83. Regarding the recommendation on **reviewing the Law for the Classification of Public Documents Related to National Security and Defense and the regulations adopted subsequently**, the State reported that, by means of Decree 12-2022, the National Congress repealed Decree 418-2013, which included the Law for the Classification of Public Documents Related to National Security and Defense⁹⁰ published in the Official Gazette on March 7, 2014. As a consequence, the declassification of all information classified as reserved under the Law for the Classification of Public Documents Related to National Security and Defense was ordered. According to the approved decree, the Institute for Access to Public Information will be responsible for resolving requests for classification of information. Likewise, all people may request access to information that had been classified as reserved under the previous regulations. Officials in charge of this information should file criminal, civil or administrative complaints if they believe that any type of liability can be inferred from this information.

84. The Commission appreciates the fact that the State has repealed the law to which this recommendation refers, and therefore determines that it has been **fully complied with**.

- **Recommendations regarding inequality, poverty and exclusion: economic, social, cultural and environmental rights**
 - 9. Ensure sufficient, equitable and sustainable financing of health services that seeks universal access to quality facilities, goods and services.
 - 10. Adopt legislation and public policies focused on the construction of fiscal policies aimed at the eradication of extreme poverty and the reduction of social inequality.
 - 11. Develop a business and human rights national plan. This includes the design, implementation and effective application of an adequate normative framework and public policy for the protection of human rights in the framework of business activities, observing international standards in the matter.

⁸⁹IACHR, [Situation of Human Rights in Honduras](#), OEA/Ser.L/V/II. Doc. 146, August 27, 2019, paras. 112 and 114.

⁹⁰State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 8, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#); and CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

85. Regarding the recommendation to **ensure sufficient, equitable and sustainable financing of health services that seeks universal access to quality facilities, goods and services**, the State indicated that, through the implementation of Legislative Decree 30-2022, which aims to ensure the proper financing of health services, it approved a budget of 24,735,082,455 lempiras for the fiscal year 2022.⁹¹

86. Likewise, for 2022, the State indicated that direct purchases of 181 medicines were made. It also reported that, for the acquisition of pharmaceutical and medicinal products in 2022, a budget of 1,143,026,447.00 lempiras was allocated, according to data from the Integrated Financial Management System (SIAFI). Moreover, in an update to the information reported in 2021 on vaccination against Covid-19, the State indicated that, as of September 2022, a total of 923,068 vaccines had been administered as a first dose; 740,595, as a second dose; and 2,075, as a third dose to children between 5 and 11 years old. It noted that, as of September 2022, the number of vaccines administered to people above the age of 12 was 15,510,891, distributed as follows: 6,344,807 as a first dose; 5,586,002 as a second dose; and 3,580,082 as a first booster.⁹²

87. For its part, the CONADEH reiterated to the Inter-American Commission that the country's health services are underfunded, thus limiting the access to health services and their adequacy, acceptability and availability in both urban and rural areas. It noted that, during 2022, no substantial progress was reported on the construction or improvement of the hospital network, the purchase of supplies and the improvement of services as a whole. Likewise, with regard to the Framework Law on Social Protection, the National Human Rights Commission noted that the State did not provide any information on any efforts being made to establish a legal framework that is fully harmonized with the unitary principle of social security.⁹³

88. The Commission notes positively that, based on the information provided by the State in 2021 and 2022, there was an increase of 6,516,642,923 lempiras in the budget allocated to the Ministry of Health (SESAL).

89. However, in the context of the follow-up of this recommendation, the Commission has learned that public spending in the health sector has been stagnant in recent years in Honduras, despite the measures adopted to improve access to this service, even reporting a downward trend in the last decade.⁹⁴ In this regard, the Commission has learned that the health sector faces structural barriers that must be addressed in the medium and long terms, and that it must overcome historical challenges related to various factors, including corruption and institutional fragility.⁹⁵

90. The Commission has also taken careful note of the challenges that, according to the civil society, the health sector in Honduras continues to face. Some of these have been mentioned by the civil society, such as the collapse of health service networks, which has led to high rates of diseases and deaths; insufficient or unsuited personnel; the lack of a planned purchasing system; and the shortcomings of an infrastructure that is unable to meet the existing needs.⁹⁶ The Commission is also aware of the heightened challenges in the health sector in the wake of the Covid-19 pandemic. In this regard, for example, the Commission learned that the United Nations Development Programme indicated that "Covid-19 generated an excess mortality and disease burden that directly impacts life expectancy, and the Human Development Index health indicator is expected to regress to levels observed seven years ago."⁹⁷

⁹¹State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 9, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

⁹²State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 9, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

⁹³CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

⁹⁴UNDP, [Estado de Derecho Fundamento de la Transformación 2022-2030: Hacia una agenda ciudadana](#), July 2022, p. 322.

⁹⁵UNDP, [Estado de Derecho Fundamento de la Transformación 2022-2030: Hacia una agenda ciudadana](#), July 2022, p. 324 and 325.

⁹⁶Asociación para una Sociedad más Justa (ASJ), [Estado de País: Honduras 2022, Salud](#).

⁹⁷UNDP, [Estado de Derecho Fundamento de la Transformación 2022-2030: Hacia una agenda ciudadana](#), July 2022, p. 109.

91. For its part, the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) received information indicating 78 percent of the hospitals do not have the necessary infrastructure conditions to assist patients,⁹⁸ thus creating a serious crisis in access to health care, with long waiting lists for access to attention.⁹⁹ In addition, according to civil society organizations, there is a persistent problem of shortage of medicines in hospitals, which, as of September, had already reached 50 percent.¹⁰⁰ Similarly, the REDESCA has monitored the situation of the shortage of health workers in Honduras. In this regard, it was reported that there are on average 11 permanent doctors and nurses for every 10,000 inhabitants, a figure that does not meet the minimum international standards for providing essential health services.¹⁰¹

92. In relation to the above, the REDESCA takes note of the protests of medical personnel to enforce Legislative Decree 047-2020, which authorizes the executive branch, through different health service institutions, to issue agreements for the permanent appointment of medical and health personnel currently working under contract, in addition to granting more jobs in the country.¹⁰² In spite of this, the State requested the support of Cuban medical brigades, which would imply a cost of 2,000 to 3,000 US dollars for each professional,¹⁰³ which sparked criticism from the physicians' union, who say that the government should give the opportunity to nationals with equal benefits.¹⁰⁴ In this regard, the Commission and the REDESCA note that the State has identified that one of the challenges associated with compliance with this recommendation is to ensure the financing of health services, following an adequate budget allocation to the Ministry of Health.

93. Although the Commission appreciates the efforts that the State is making to increase the budgetary capacity of the health system, due to the severity of the impact of the pandemic on the country's health situation, as well as the historical challenges faced by this sector, it demands an adequate and sustainable response with additional efforts aimed at ensuring sufficient funding to guarantee that services are of quality and accessible to all people. Taking into consideration the aforementioned, the Commission considers that this recommendation continues with **partial compliance**.

94. In order to guide the process of implementing this recommendation, the Commission invites the State to adopt measures to achieve a significant increase in funding for the health sector, based on measures that are sustainable in the medium and long terms. In this sense, these measures must ensure that quality health services are accessible to all, based on sufficient, equitable and sustainable financing provided to this sector.

95. Regarding the **recommendation to adopt legislation and public policies focused on the construction of fiscal policies aimed at the eradication of extreme poverty and the reduction of social inequality**, the State underscored its commitment towards building the Socialist and Democratic State in favor of education, healthcare, the environment and development, to benefit the majorities impoverished by an extractivist and neoliberal exploitation model. The State informed that the reform of the general revenue and expenditure budget for fiscal year 2022 was ordered through Legislative Decree No. 30-2022 considering the country's financial situation; the international crisis, which is impacting the global supply chains; and the increase in the cost of fuels and electricity due to a hike in international prices.¹⁰⁵

96. With respect to public investment, the Ministry of Finance reported that the previous National Congress approved 10,196.2 million lempiras for public investment during fiscal year 2022; however, pursuant

⁹⁸BN Americas, "[NGO paints grim picture of Honduras' hospital infrastructure](#)," October 26, 2022.

⁹⁹La Prensa, "[Cuatro hospitales como Catarino Rivas necesitan cubrir demanda](#)," November 6, 2022.

¹⁰⁰La Prensa, "[Desbastecimiento de medicinas en hospitales ya alcanza el 50%](#)," September 9, 2022.

¹⁰¹El Heraldo, "[Análisis: Falta de médicos pone en jaque atenciones en hospitales de Honduras](#)," August 8, 2022.

¹⁰²Criterio Honduras, "[Personal de salud da ultimátum al gobierno para que otorgue plazas laborales](#)," July 13, 2022.

¹⁰³Cibercuba, "[Colegio Médico de Honduras se opone a llegada de brigadas médicas desde Cuba](#)," July 27, 2022.

¹⁰⁴La Tribuna, "[CMH opuesto a que lleguen brigadas médicas cubanas](#)," July 27, 2022.

¹⁰⁵State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 10, October 27, 2022.

to Legislative Decree 30-2022, a loan agreement for up to \$1,000 million was entered into with the Central Bank of Honduras to finance public investment, debt repayment and liability management. In this regard, the State indicated that, under this scenario, the current budget for public investment amounts to 10,714.7 million lempiras.¹⁰⁶

97. In addition, the State informed that its fiscal policy is based on compliance with the Fiscal Responsibility Law (LRF) and the progressive return to the fiscal consolidation process, maintaining prudent levels of public debt and achieving improvements in the country risk ratings. In this regard, it estimated that the deficit during the 2023-2026 period would be within the limit established in the LRF and in its exception clause, amended by Article 275-F of Legislative Decree 30-2022, pursuant to which there would be a deficit in the non-financial public sector of 4.9 percent and 4.4 percent of the gross domestic product (GDP) for 2022 and 2023, respectively, and that, for the 2024-2026 period, this deficit would be gradually reduced by 0.5 percent of the GDP. In addition, the Ministry of Finance informed that the special law to guarantee the electricity service as a public asset of national security and as an economic and social human right was enacted.¹⁰⁷ In its observations to this report, the State reported that through this law, the State established that the activities of power generation, transmission, distribution, and marketing in the country will be carried out in line with the principles of integrity and participative, social, and environmental justice.¹⁰⁸

98. In addition, this institution informed about the enactment of a law for the recovery and economic reactivation of micro and small enterprises (Legislative Decree 48-2022), which grants fiscal benefits and incentives for the creation, development, strengthening and formalization of micro and small enterprises (MSEs), and promotes new employment opportunities. The CONADEH also informed on the issuance of Executive Decree PCM-02-2022, which exempts residential users who consume 150kWh or less per month from paying 60 percent of the charge, provided that they are not located in the high-income neighborhoods or areas of the country and that they do not have more than one electricity meter under their name.¹⁰⁹

99. For its part, the information from civil society includes some data on poverty and social inequality in Honduras based on the Report on the LXXII Permanent Multiple Purpose Household Survey conducted in July 2021 by the National Institute of Statistics (INE). For instance, in this regard, the Inter-American Commission learned that, according to this report, by July 2021, 73.6 percent of the Honduran households were in conditions of poverty, with incomes below the cost of a basic consumption basket. In addition, with regard to the Gini coefficient, which measures income distribution inequality, Honduras had a coefficient higher than 0.55,¹¹⁰ according to this survey.

100. Likewise, the Commission and the REDESCA note the Human Development Report of the United Nations Development Programme (UNDP), which indicates that Honduras is facing a multifactor crisis due to the insufficient growth rates to reduce inequalities and poverty, in addition to the high levels of informality and the structural inequalities faced by women, indigenous peoples, Afro-descendants and persons with disabilities. In addition, the high rates of violence and the effects of the environmental crisis have made Honduras one of the countries with the lowest Human Development Index (HDI) in the region.¹¹¹

¹⁰⁶ State of Honduras, Follow-up Report published at the Inter-American SIMORE, Recommendation No. 10, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁰⁸ Cited: Article 1, Special Law to Guarantee the Electricity Service as a Public Asset of National Security and as an Economic and Social Human Right. Legislative Decree 46-2022, Gazette 35,924, May 16, 2022. State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

¹⁰⁹ State of Honduras, Follow-up Report published at the Inter-American SIMORE, Recommendation No. 10, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹¹⁰ FIAN Internacional Honduras, Written contribution of FIAN Internacional Honduras section, August 2022. Quoted: National Institute of Statistics (INE), [Informe LXXII Encuesta Permanente de Hogares de Propósitos Múltiples](#), July 2020.

¹¹¹ La Prensa, "[Honduras tiene el índice de desarrollo más bajo de Centroamérica](#)," July 12, 2022.

101. At the same time, the Commission and the REDESCA note that, in spite of the efforts detailed by the State, the World Food Programme (WFP) and the Food and Agriculture Organization of the United Nations (FAO) have identified that the acute food insecurity situation in Honduras has worsened due to the impact of climate change, particularly the low rainfall recorded during 2021.¹¹² In this regard, Honduras has the second highest level of undernourishment in Central America, after Nicaragua, with 49.9 percent of its population suffering from serious or moderate food insecurity and 15.3 percent suffering from undernourishment.¹¹³

102. In addition, the Commission was informed that, among the main limitations faced by the programs which seek to address poverty and inequality, it was identified that these are based on an eminently welfarist approach and operate on the basis of cash, materials or food handouts, with a discriminatory, discretionary and politically motivated execution, and without achieving an integral and sustainable development over time. At the same time, according to the information received, these programs have been characterized by acts of corruption. It has been reported that, in the SUPRO Bonus Program, which announced the issuance of coupons worth 1,000 lempiras that were allegedly redeemable for products included in the basic food basket, a large part of the funds invested could not be redeemed due to a lack of financial capacity and a failure to supply enough products. Likewise, the Commission was informed about the Open Coffers case, denounced by the Office of the Special Prosecutor against Impunity and Corruption with the support of the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), in which congresspersons are accused of embezzling public funds amounting to 21 million lempiras.¹¹⁴

103. The Inter-American Commission has also received information about the repercussions and the negative impact of the Covid-19 pandemic on the access and procurement of food and on the access to employment, which was also deteriorated by the passage of hurricanes Eta and Iota in November 2020.¹¹⁵ Likewise, the Commission is aware that only a minority percentage of the population is employed under conditions which comply with the fundamental rights established by the International Labour Organization (ILO) and other international instruments. Additionally, the Commission has been informed that peasant and indigenous communities have very few opportunities to access an income-generating employment, depending on their location and the season of the year, which produces serious effects such as poverty, malnutrition, migration, child labor and school dropout; and some occupations and productive activities, such as fishing, have also been severely impacted by climate change.¹¹⁶

104. In addition, the Commission has learned that the fiscal policy and the revenue collection system of the State have a negative impact on small business initiatives, thus widening the economic gap and marginalizing a significant percentage of the population living from the sale of food products. According to this information, those who live in rural areas, including artisan fishers and indigenous families, lack opportunities, incentives, financial and technical support, as well as access to credit or public financing programs.¹¹⁷

105. On the basis of the foregoing, the Commission notes that the State continues reporting different measures towards building a fiscal policy aimed at eradicating poverty or extreme poverty. In this regard, the Commission takes into account the complex context in which these measures are monitored since Honduras has historically faced structural challenges which characterize it as one of the most unequal countries in the Central American region and which must be addressed with progressive and sustainable policies.¹¹⁸ Therefore, although the Commission considers that some measures have been implemented to achieve

¹¹² United Nations, "La inseguridad alimentaria se agudizará en Colombia, Honduras y Haití," January 27, 2022.

¹¹³ FAO, *The state of food security and nutrition in the world*, July 24, 2022.

¹¹⁴ FIAN Internacional Honduras, Written contribution of FIAN Internacional Honduras section, August 2022.

¹¹⁵ FIAN Internacional Honduras, Written contribution of FIAN Internacional Honduras section, August 2022. Amnesty International, "[When it rains it pours: The devastating impact of hurricanes Eta and Iota in Honduras](#)," December 13, 2020.

¹¹⁶ FIAN Internacional Honduras, Written contribution of FIAN Internacional Honduras section, August 2022.

¹¹⁷ FIAN Internacional Honduras, Written contribution of FIAN Internacional Honduras section, August 2022.

¹¹⁸ IACHR, *Situation of Human Rights in Honduras*, OEA/Ser.L/V/II. Doc. 146. August 27, 2019; para. 127.

compliance with this recommendation, additional measures aimed at full implementation have yet to be adopted. Therefore, the Commission considers that this recommendation continues to be met with **partial compliance**.

106. Likewise, in order to guide the follow-up process of this recommendation, the Commission invites the State to submit information which allows it to analyze the annual progress in the adoption of legislation and public policies reported previously or of new measures aimed at building fiscal policies to eradicate extreme poverty and reduce social inequality. In this regard, the Commission underscores the importance of building a fiscal policy that leads to a significant reduction of poverty and social inequality in practice. For this purpose, the Commission and the REDESCA remind that their report entitled *Poverty and Human Rights* includes some recommendations to the States related to the planning and execution of public budgets with a human rights approach.

107. Regarding the **recommendation to develop a business and human rights national plan which includes the design, implementation and effective application of an adequate normative framework and public policy for the protection of human rights in the framework of business activities, observing international standards in the matter**, the State indicated that the Ministry of Economic Development (SDE) took direct steps to establish strategic guidelines on the implementation of the United Nations Guiding Principles on Business and Human Rights (UNGP). Additionally, it indicated that the UNGP capabilities of 22 directors and heads of unit of the SDE were strengthened.¹¹⁹

108. The State indicated that the Business and Human Rights Panel was convened with the participation of business and human rights stakeholders and other strategic actors to identify strategies to implement the UNGP in the country. In addition, the State indicated that the meeting of the Business and Human Rights Panel was held on January 20, 2023, with the participation of the Ministry of Natural Resources and the Environment, the Honduran Council on Private Enterprise, the United Nations Office of the High Commissioner for Human Rights, the CONADEH, and ProDerechos.¹²⁰ Finally, it reported that, on August 24, 2022, the Ministry of Human Rights, on behalf of the executive branch, received a proposal for a Binding Treaty on Transnational Corporations and Human Rights submitted by Friends of the Earth.¹²¹

109. For its part, the CONADEH informed that they are part of the multi-actor panel promoted by the Ministry of Human Rights. In addition, it stated that, on September 5, 2022, the Ministry of Human Rights informed that the new approach of the action plan on business and human rights would have reparations as a priority for State action.¹²²

110. In turn, the Commission and the REDESCA are pleased that the Business and Human Rights Panel has been established, with the participation of stakeholders involved in business and human rights as well as other strategic actors, to search for strategies for implementing the UN Guiding Principles throughout the country. They also appreciate that the meeting of this panel was held with the most important stakeholders for implementation of those principles.¹²³

111. Considering that, according to the State, the guidelines on their application will be developed, the Commission invites the State to report any progress on their implementation and urges it to consider the recommendations contained in the *Report on Business and Human Rights* published by the Office of the Special

¹¹⁹ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 11, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹²⁰ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

¹²¹ October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹²² CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

¹²³ Republic of Honduras, Report on compliance with country recommendations, October 27, 2022.

Rapporteur on Economic, Social, Cultural and Environmental Rights on its formulation, with a particular focus on Recommendation No. 2¹²⁴ therein. Whereas additional information is still needed to conclude that the State has completed the development of the Business and Human Rights National Plan and has adequately implemented it, the Commission considers that this recommendation continues to be met with **substantial partial compliance**.

112. Likewise, in order to guide the follow-up process of this recommendation, the Commission invites the State to provide specific information describing the planned road map to complete the preparation of the Business and Human Rights National Plan, and how it will be implemented and monitored to ensure its temporal and financial sustainability. The Commission and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights underscore the need for the State to continue its efforts until the Business and Human Rights National Plan is completed, taking into consideration not only the UNGP, but also the applicable inter-American standards. In this process, the Commission and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights urge the State to comply with the recommendations contained in the *Report on Business and Human Rights* published by the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights, with the technical assistance of the Office of the Special Rapporteur on ESCERs and with a particular focus on Recommendation No. 2 therein.¹²⁵

▪ **Recommendations regarding the rights of human rights defenders**

- 18. Take urgent measures to avoid judicial harassment of human rights defenders, such as protocols and training for justice officials, in order to prevent judicial investigations from subjecting human rights defenders to unfair or unfounded trials.
- 19. Immediately implement in an appropriate and effective manner precautionary measures granted by the Commission. In this regard, the State must ensure that the measures adopted are appropriate and effective. Likewise, the Commission urges the State to strengthen the investigation of the sources of risk which give rise to the precautionary measures, in order to mitigate them.
- 20. Strengthen the Mechanism for the Protection of Human Rights Defenders and Journalists so that it can meet the increased demand for protection measures and ensure their effective implementation. Additionally, it is recommended to urgently adopt a comprehensive public policy of prevention and protection for human rights defenders and to allocate the necessary budget for its effective implementation.

113. Regarding the **recommendation to take urgent measures to avoid judicial harassment of human rights defenders, such as protocols and training for justice officials, in order to prevent judicial investigations from subjecting human rights defenders to unfair or unfounded trials**, the State did not report during 2022 any additional information to that which was recorded in the *2021 Annual Report* of the Inter-American Commission.¹²⁶

114. On the contrary, the Inter-American Commission received information on different cases of criminalization of human rights defenders through the improper use of criminal law. The Commission learned that, on February 9, 2022, the Sentencing Court of Trujillo, in the department of Colón, sentenced 6 out of the 8 persons known as the “the Guapinol defenders” for the crimes of illegal deprivation of liberty and damages. According to the United Nations Working Group on Arbitrary Detention, the arrest and pretrial detention of

¹²⁴ REDESCA, *Report on Business and Human Rights: Inter-American Standards*, OEA/Ser.L/V/II. CIDH/REDESCA/INF.1/19, November 1, 2019, Recommendation No. 2.

¹²⁵ REDESCA, *Report on Business and Human Rights: Inter-American Standards*, OEA/Ser.L/V/II. CIDH/REDESCA/INF.1/19, November 1, 2019, Recommendation No. 2.

¹²⁶ IACHR, *2021 Annual Report, Chapter V, Honduras*, para. 89.

these defenders was arbitrary¹²⁷ after they opposed the establishment of an iron oxide mine within a national park in Tocoa, in the department of Colón.¹²⁸ Nevertheless, the Commission noted their release two days later after the Constitutional Chamber of the Supreme Court of Justice granted two writs of *amparo* in favor of the environmentalists and ordered the first instance judge to release them.¹²⁹

115. Similarly, the Inter-American Commission learned that, on August 9, 2022 (International Day of the World's Indigenous Peoples), the Black Fraternal Organization of Honduras (OFRANEH) held a demonstration at the headquarters of the Office of the Public Prosecutor demanding the location of Garífuna young people who had disappeared since mid-2020. In this regard, the Commission learned that, on August 17, 2022, the Office of the Public Prosecutor announced the opening of a criminal investigation for the crimes of disturbing the public order and illegal deprivation of liberty against Miriam Miranda, coordinator of the said organization; Edy Tábor, a human rights lawyer, co-founder of Bufete Jurídico Justicia para los Pueblos and member of SUNLA, a civil society committee; and other leaders who participated in the demonstration.¹³⁰ According to the State's observations to this report, the Office of the Public Prosecutor reported that there is a reasoned definitive dismissal order against the complaint on the grounds that no crimes exist, and the case was administratively dismissed on September 12, 2022.¹³¹ In addition, the Commission verified that, on August 19, 2022, the Office of the United Nations High Commissioner for Human Rights in Honduras expressed its concern about these charges, reminded that the work of human rights defenders was fundamental in a democracy and urged the Honduran State to abstain from criminalizing them for their work.¹³²

116. Additionally, civil society organizations informed the Commission that, on May 18, 2022, 38 families of the Nueva Palestina community were evicted pursuant to an order issued by the Sectional Court of First Instance of La Paz against 31 members of the Lenca indigenous council of the Nueva Palestina community. These persons were reportedly accused of the crimes of aggravated usurpation and alteration of terms or boundaries by the Prosecutor's Office of Marcala, La Paz, between April and May 2021.¹³³

117. In view of the above, and since the State did not report additional actions from those informed previously on the compliance with this recommendation, the Commission considers that this recommendation remains **pending compliance**.

118. In order to guide the follow-up process of this recommendation, the Commission invites the State to adopt measures which may include institutional strengthening actions, public policies, human rights awareness measures, or implementing regulations¹³⁴ aimed at preventing the judicial harassment of human

¹²⁷ UN Human Rights Council, Working Group on Arbitrary Detention, *Opinion No. 85/2020 concerning José Daniel Márquez, Kelvin Alejandro Romero Martínez, José Abelino Cedillo, Porfirio Sorto Cedillo, Orbín Nahúm Hernández, Arnold Javier Alemán, Ewer Alexander Cedillo Cruz and Jeremías Martínez Díaz with regard to Honduras*, A/HRC/WGAD/2020/85, February 24, 2021, para.96. The convicted persons reportedly were José Daniel Márquez, Kelvin Alejandro Romero, José Abelino Cedillo, Porfirio Sorto Cedillo, Ewer Alexander Cedillo, Orbin Nahúm Hernández. Amnesty International, "[Honduras: Amnistía Internacional lamenta condena a seis de los ocho defensores de Guapinol](#)," February 9, 2022.

¹²⁸ OHCHR, "[Honduras: Release Guapinol defenders and honour pledges made to UN – human rights experts](#)," November 19, 2021.

¹²⁹ Infobae, "[La Corte Suprema de Honduras ordena liberar a seis ambientalistas condenados](#)," February 11, 2022; Latinoamérica piensa, "[Liberaron a los seis ambientalistas presos de Guapinol en Honduras](#)," February 25, 2022.

¹³⁰ CIVICUS, "[Honduras: La criminalización de los DDHH y los cambios en el sistema de protección generan preocupación](#)," September 27, 2022.

¹³¹ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023. Official letter DGF-064-2023, of January 13, 2023.

¹³² Twitter OHCHR Honduras [@OACNUDH], "[OACNUDH expresa su preocupación por la denuncia del Ministerio Público en contra de la defensora y el defensor de derechos humanos del pueblo Garífuna Miriam Miranda y Luther Castillo, así como el abogado y defensor de derechos humanos, Edy Tábor](#)," August 19, 2022.

¹³³ COFADEH, Follow-up on compliance with recommendations. Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

¹³⁴ IACHR, *General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights*, OEA/Ser.L/V/II.173, Doc. 177, September 30, 2019, Annex 1: Types of measures recommended by the IACHR, p. 29.

rights defenders. Likewise, considering that the Commission has expressed its concern about the criminalization of human rights defenders in the country, it underscores that the implementation of this recommendation also requires that the State expedite and diligently adopt compliance measures so that, beyond being isolated measures, they become part of a comprehensive strategy whose purpose is to prevent the improper use and manipulation of criminal law, including actions from private entities.

119. Regarding the **recommendation to immediately implement in an appropriate and effective manner precautionary measures granted by the Commission, for which the State must ensure that the measures adopted are appropriate and effective by strengthening the investigation of the sources of risk which give rise to the precautionary measures, in order to mitigate them**, the State indicated that, as of September 30, 2022, the General Directorate of the Protection System of the Ministry of Human Rights had 32 active cases related to precautionary measures granted by the Inter-American Commission with regard to indigenous population, LGBTI persons, women and groups of human rights and territory defenders.¹³⁵

120. For its part, the Inter-American Commission, by the end of 2022, had 49 precautionary measures in force regarding Honduras. In this context, the Commission held five working meetings with the State and the representatives and beneficiaries of precautionary measures throughout 2022 and it highlights the will of the Honduran State to implement the measures, and the agreements it has reached with other parties.

121. The Commission recalls that, during 2021, it issued Resolution No. 88/21 on the follow-up of Precautionary Measure 405-09, 112-16 (Berta Isabel Cáceres, her nuclear family, members of COPINH *et al.* regarding Honduras), related to human rights defenders in Honduras.¹³⁶ The Inter-American Commission emphasizes that the State has been responding to requests for information made under Article 25 of the IACHR Rules of Procedure seeking information for analysis, and the information the State has presented is substantive and detailed, referring to the actions and measures that are being implemented in favor of the beneficiaries. The Commission values the participation of the State in the working meetings and hearings to which it has been invited in recent years. Its participation and dialogue with the Commission has helped to obtain elements for assessing the situations presented. On this particular precautionary measure, the Commission conducted an in-person working meeting during the protocol and working visit conducted in Honduras in August and September 2022. In this meeting, the parties provided up-to-date information about the implementation of these precautionary measures and agreed on important mechanisms for concerted action.¹³⁷

122. Even so, the challenges in the implementation of a number of precautionary measures remain. During the monitoring of the precautionary measures in force, the Inter-American Commission was frequently informed of a lack of and/or shortcomings in the protection measures granted by the State, particularly in security arrangements, with allegations of, for example, inconsistencies with police patrols, failures in police liaisons, technical failures of security vehicles and lack of maintenance thereof, as well as delays in the implementation of certain measures. At the same time, the beneficiaries have indicated that, despite filing complaints before the competent authorities over risk situations, they have seen no substantial progress in the investigations and do not notice that these investigations result in the identification and punishment of those responsible. The Commission notes the challenges faced by the State at the time of implementing the precautionary measures and has made itself available to provide relevant technical support.¹³⁸

¹³⁵ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 19, February 17 and October 31, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹³⁶ IACHR, "[IACHR Issues Follow-Up Resolution on Precautionary Measures in Favor of Berta Cáceres' Family, Members of COPINH, and Others in Honduras](#)." Press release No. 305, November 16, 2021.

¹³⁷ IACHR, Press release No. 202/2022, "[IACHR Completes Protocol and Promotion Visit to Honduras](#)," September 13, 2022.

¹³⁸ Information received during the follow-up of the precautionary measures granted by the IACHR which are in force.

123. The Inter-American Commission calls on the State to continue taking appropriate and effective actions in favor of the beneficiaries and to advance on the implementation of precautionary measures with a view to protecting their rights, as well as guaranteeing spaces for consultation domestically and taking relevant actions. Likewise, it recalls the importance of investigating the facts that led to the adoption of a precautionary measure, in order to avoid its repetition. Based on the above information, the Inter-American Commission finds that this recommendation remains **pending compliance**.

124. Regarding the **recommendation to strengthen the Mechanism for the Protection of Human Rights Defenders and Journalists so that it can meet the increased demand for protection measures and ensure their effective implementation, and to urgently adopt a comprehensive public policy of prevention and protection for human rights defenders and to allocate the necessary budget for its effective implementation**, the Commission has received information on measures to comply with this recommendation during 2021 and 2022.

125. In its *2021 Annual Report*, the Commission included the information provided by the State in accordance with this recommendation and related to the funds available for the operation of this mechanism, as well as protocols and manuals prepared in 2020. In addition, in 2021, the Commission learned that the drafting of a Comprehensive Public Policy would be a priority of the government transition process and indicated that the State informed that prevention plans were being designed for the communities of the Tolupán, Locomapa and Lencas de Río Blanco.¹³⁹

126. The State reported that its new authorities and the authorities of the General Directorate of the Protection System are updating their processes to apply the new guidelines to ensure public administration accountability and to reach agreements on the National Protection System. In this regard, the State informed that some actions related to the management of the budget allocated for implementing the protection measures had been undertaken.¹⁴⁰ In addition, it informed that, for the first time, a woman human rights defender had been appointed as director of the General Directorate of the Protection System and that this organization had a multidisciplinary and diverse team. Finally, the State listed five additional measures related to the implementation of this recommendation and informed that, from October 2021 to September 2022, the Mechanism for Protection granted 121 requests for protective measures, of which 28 are collective and 93 are individual, and that all of these measures were monitored following the protocols established by the Implementation and Follow-up Unit.¹⁴¹

¹³⁹ IACHR, *2021 Annual Report, Chapter V, Honduras*, para. 106.

¹⁴⁰ In particular, the State informed about the six following actions:

- i. Disbursement of 10 million lempiras from the Population Security Tax Office on April 29.
- ii. On June 27, 2022, the Population Security Tax Office notified the Ministry of Human Rights about the repeal of Trust Fund 3 because the new administration had decided not to continue using this mechanism since it fostered corruption and the violation of the Constitution in connection to the use of a single account for the management of public funds.
- iii. Actions with the Ministry of Finance to obtain, through the National Treasury, the funds required to implement protection measures.
- iv. Credits with service providers were resumed.
- v. The Ministry of Finance decided to allocate 10 million lempiras to the Ministry of Human Rights with the purpose of ensuring the implementation of protection measures in 2022 and it also decided to increase the line of the National Treasury Budget allocated to the Ministry of Human Rights for 2023 to ensure the implementation of the said measures.
- vi. The General Directorate of the Protection System has prioritized the coverage of access to human rights for the population who benefits from the Mechanism, developing partnerships to ensure primary healthcare, psychological support and sexual and reproductive healthcare. In this regard, they informed that an agreement was signed with Doctors of the World and Ciudad Mujer. State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 20, October 31, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁴¹ Among the additional achievements, the State reported that the involvement and the strongest and permanent commitment of the Cabinet members with the rank of ministers had been ensured, civil society organizations were allowed to assume the coordination of the council and establish monitoring and oversight mechanisms, training sessions for the staff of the Mechanism were held by the Regulatory Office on Contracting and Procurement of the State of Honduras (ONCAE) in the area of special proceedings, and the Ministry of Human Rights prepared documents on the importance of protecting human rights defenders. State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 20, October 31, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

127. For its part, the CONADEH informed the Inter-American Commission that it received information according to which the civil society continues to report shortcomings and limitations in the National Mechanism for the Protection of Defenders (National Protection Mechanism). It stated that, although it shares the view that this mechanism needs deep structural and operational changes, it is concerned that the restructuring process will entail administrative and methodological delays in the effective protection of defenders, social communicators, lawyers and justice operators. Likewise, it considered that the renewed strategy targets only the internal administrative procedures of the General Directorate of the Protection System (DGSP), without communicating clear strategic guidelines on the modernization of the mechanism as a whole and of all the entities involved in its operation. In addition, it informed that the DGSP only had 300 lempiras left until the end of fiscal year 2022. Likewise, the CONADEH stated that, in addition to the internal difficulties of the DGSP, the seven institutions and the seven civil society organizations that make up the national protection council are sharply divided.¹⁴² Finally, the CONADEH indicated that, as of the date it reported the information, it had no knowledge of any actions aimed at implementing the comprehensive public policy of prevention and protection of human rights defenders. It emphasized that the Escazú Agreement had not yet been ratified, despite the efforts made for that purpose.¹⁴³

128. In its observations on this report and with regard to the CONADEH's concern that the restructuring of the National Protection Mechanism will lead to administrative and methodological delays in protection, the State indicated that previously the Mechanism disbursed its funds through the Security Trust Fund. This system was overturned by the National Congress due to the lack of transparency. The funds were transferred to the National Treasury, and now must be disbursed through public procurement processes for goods and services.¹⁴⁴ The State also indicated that the SEDH spearheaded, before the National Congress, the draft amendment of the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators, on the disbursement and settlement of the funds. The SEDH also led the creation of an Administrative Execution Unit to quickly implement the protection measures in line with the Mechanism's emergency nature. The State indicated that the National Congress Human Rights Commission had heard the draft amendment, and it further noted that the SEDH is managing a budget increase or other allocation for the aforementioned Mechanism with a view to guaranteeing the beneficiaries' lives and physical integrity.¹⁴⁵

129. Likewise, in its observations to this report, the State indicated that in order to strengthen the National Protection Mechanism, it had established partnerships with the United Nations Office of the High Commissioner for Human Rights in Honduras and ProDerechos, for technical support for the National Protection Mechanism staff; with Doctors of the World, for handling cases and building the staff's capacity for psychological first aid; between the DGSP and the Norwegian Refugee Council for referral and handling of cases identified as victims of internal displacement, through humanitarian aid services; with the Ciudad Mujer Presidential Program for referral and handling of cases needing primary health care, psychological support, and/or sexual and reproductive healthcare for women; with the Ministry of Social Development for referral of

¹⁴² With regard to this alleged division, the State indicated that the public assembly to elect the new civil society council members was held on November 29, 2022, and that after suitable agreements were reached, the first National Protection Council meeting was held with the new members representing civil society on February 2023. State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

¹⁴³ CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

¹⁴⁴ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023. State Contracting Law, Legislative Decree 74-2001.

¹⁴⁵ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

cases of persons with disabilities and demographic and gender intersectionality; and with the Joint Chiefs of Staff to strengthen staff capacities for drawing up and implementing risk profiles.¹⁴⁶

130. This lack of effectiveness is reportedly a consequence of shortcomings in the investigation of the risk situations faced by the beneficiaries, of the limited budget for the operation of the mechanism and of the uncoordinated state response. Likewise, they informed that the human, material and financial resources required for the operation of the mechanism are scarce; that the timely inclusion of at-risk defenders in the protection system is not currently ensured, therefore the mechanism response fails to fulfill its preventive role; and that there is a lack of a comprehensive protection strategy for human rights defenders, as well as of contingency measures divided by geographic areas on the basis of specific risks.¹⁴⁷

131. In this context, the Commission noted with concern that acts of violence against human rights defenders in Honduras continued to occur during 2022.

132. Only from January to August 2022, the Commission learned about the murder of eight human right defenders, including Brayan Josué López Guzmán, an LGBTI defender who was murdered on June 5 in San Pedro Sula, Cortés; Donaldo Rosales Meza, an environmental defender, murdered on May 22 in Minas de Oro, Comayagua; Alonso Salgado, a Garífuna leader who was murdered on May 1 in front of his house; Zury Quintanilla, a leader who was also injured, in the municipality of Tela, Atlántida; Justo Benítez Sánchez, an environmental defender, murdered on April 30 in the municipality of San Francisco de Ojuela, in the department of Santa Bárbara. In addition, on that occasion, the Commission referred to the murder of Francisco Ruiz, a territory defender, who was the victim of an attack in the village of La Brea, in the municipality of Trujillo, department of Colón. Additionally, the Commission stated that the body of Melvin Geovanny Mejía, a Tolupán indigenous man and a land and territory defender, was found in January in the municipality of Morazán, department of Yoro. Likewise, the Commission recalled its condemnation of the murder of Pablo Isabel Hernández Rivera, an indigenous leader and community journalist, and Thalía Rodríguez, a trans woman and human rights defender.¹⁴⁸

133. With regard to the murder of Pablo Hernández, the Commission also received information according to which this mechanism was aware of the risk faced by this person, who was murdered on January 9 in San Marcos de Caiquín, in the department of Lempira. Pablo Hernández was well-known in his community for his critical coverage on matters of local interest and, in addition to being a community journalist, he stood out as an indigenous leader of the Lenca people. In this regard, the Commission had learned that Pablo Hernández had reported death threats in recent years.¹⁴⁹

134. In its observations to this report, with regard to the murder of Pablo Hernández, the State indicated that the National Protection Mechanism was aware of the risk he was facing. It further noted that Mr. Hernández had requested protection measures in 2021 and that, on March 12, 2021, his request was

¹⁴⁶ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023. Management information 2022. SEDH, pp. 51 and 52.

¹⁴⁷ COFADEH, Follow-up on compliance with recommendations. Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

¹⁴⁸ IACHR, Press release No. 244/22, "[IACHR: Ongoing Violence Against Human Rights Defenders Recorded in Second Quarter of 2022](#)," November 2, 2022; IACHR, Press release No. 114/22, "[IACHR: Increased Violence Against Human Rights Defenders during the First Four Months of 2022 Makes It More Urgent for States to Protect Their Lives and Work](#)," May 25, 2022; IACHR, Press release No. 15/22, "[IACHR and Its Special Rapporteurship for Freedom of Expression Condemn the Murder of Community Journalist and Indigenous Leader Pablo Isabel Hernández Rivera in Honduras. Call on the State to Diligently Investigate It](#)," January 18, 2022.; IACHR, Tweet, [Condena al asesinato de Thalía Rodríguez](#), January 13, 2022.

¹⁴⁹ COFADEH, Follow-up on compliance with recommendations. Report on the *Situation of Human Rights in Honduras*, November 3, 2022; IACHR, "[IACHR and Its Special Rapporteurship for Freedom of Expression Condemn the Murder of Community Journalist and Indigenous Leader Pablo Isabel Hernández Rivera in Honduras. Call on the State to Diligently Investigate It](#)," Press release No. 015 of 2022, January 18, 2022.

rejected due to a lack of inputs adhering to the requirement set forth in Article 43(4) of the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators. The State also reported that these actions occurred under the previous National Protection Mechanism administration and that, unfortunately, by the time the new administration was established, Mr. Hernández had already been murdered without the Mechanism having been able to set up appropriate support.¹⁵⁰

135. In this regard, the Commission recalls that, by May 2022, it had already reported the serious danger faced by those who carry out human rights work in Honduras. Based on the above, compliance with this recommendation continues to be **partial**.

136. In order to guide the follow-up process of this recommendation, the Commission invites the State to adopt all necessary measures to strengthen the Mechanism for Protection to the point that its operation meets the demand for protective measures and their implementation and, additionally, to adopt a comprehensive public policy of prevention and protection for human rights defenders, with an adequate budget allocation for its implementation. The Commission will monitor the changes to the Mechanism for Protection announced by the State and urges Honduras to report specific information on their progress and on how their implementation results in the strengthening of the operation of this mechanism in practice. In addition, the Commission suggests that the State should report, in addition to the budget increase or allocation for this policy, the actions that ensure that said allocation is sufficient for the effective operation of the mechanism. Additionally, the Commission underscores that it is important that, in compliance with this recommendation, the process for updating the Mechanism for Protection and establishing a comprehensive public policy is always conducted in consultation with the beneficiaries.¹⁵¹

- **Recommendations regarding the rights of indigenous peoples and Afro-descendant persons**
 - 24. Adopt the necessary measures to demarcate, title and rehabilitate the lands and territories claimed by indigenous peoples as appropriate.
 - 25. Initiate a culturally appropriate procedure to give effect to the right to free, prior and informed consultation and consent, which incorporates the provisions of Convention 169 and international standards in the matter.
 - 26. Implement public policies that address the needs of the peoples in Moskitia, in particular, socioeconomic marginalization through effective measures that combat poverty and improve education, employment and health. This includes: guaranteeing the right to preserve their culture and language through the application of a public policy of bilingual education, considering and strengthening their values and transmission of ancestral knowledge; implementing a public policy of comprehensive health care, water and food in the Miskito territory, in which all the urgent needs of this population are addressed and urging employers and fishing companies in the region to comply with the labor rights of Miskito divers and effectively monitor and punish those who fail to comply with these obligations.

¹⁵⁰ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its “Situation of human rights in Honduras” report, March 1, 2023. Source: DGSP.

¹⁵¹ IACHR, [2021 Annual Report, Chapter V, Honduras](#), para. 108. Quoted: IAHR Court, Luna López v. Honduras. Merits, reparations and costs. Judgment of October 10, 2013. Series C No. 269, para. 243.

137. Regarding the **recommendation to adopt the necessary measures to demarcate, title and rehabilitate the lands and territories claimed by indigenous peoples as appropriate**, the Commission received information relevant to its monitoring during 2021 and 2022.

138. In the context of its *2021 Annual Report*, the Commission received information from the State which, among other measures, highlights the existence of social environmental projects supporting the governance of the Miskito people in the context of offshore oil exploration, the launch of the land rehabilitation project in the Moskitia area by the National Agrarian Institute (INA) and the issuance of a property deed to the Lenca people for an area of 39.48 hectares until October 2021.¹⁵² However, no information on the impact of these projects on indigenous and/or Afro-Honduran communities was received during 2022.

139. During 2022, the State reported information from the National Agrarian Institute and also from the Property Institute. The National Agrarian Institute reported that it obtained 105 sworn statements in the following territorial councils: 20 in Ahuya Yari, 37 in Wamakklisinasta, 41 in Bakinasta, 2 in Finzmos and 5 in Bamiasta. In addition, it stated that the rehabilitation works in Bakinasta would continue with the support of the Ministry of National Defense and the Wildlife Conservation Society (WCS). It additionally reported progress on the land titling process for the Moskitia cays, having identified 12 cays¹⁵³ covering an area of 14.18 hectares, and it stated that it conducted a free, prior and informed consultation process with 107 direct and 196 indirect fishers aimed at processing the land titling request, and that it arranged the creation of a checkpoint in Savana Ki with the Naval Force authorities to protect the fishers. Finally, it informed that the demarcation and the division markers of five territorial councils (Wamakklisinasta, Truktsinasta, Lainasta, Watiasta and Finzmos) were communicated and that areas of shared use were identified in accordance with the limits and boundaries established in the plans drawn up by the National Agrarian Institute for processing the land deeds in favor of the aforementioned territorial councils. Ultimately, the National Agrarian Institute indicated that it was necessary to continue demarcating the lands of indigenous peoples in Honduras.¹⁵⁴

140. For its part, the Property Institute indicated that it issued a national order in the Garífuna community of San Juan, pursuant to which no full ownership deeds or purchase/sales agreements concerning the area described in Petition 674-06 would be recorded. Additionally, it ordered that, in case any property requests were received, they would be transferred to the General Secretariat of the General Directorate of Property Regularization for their study. In addition, the Property Institute stated that it would conduct a cadastral survey of the ancestral lands in the San Juan Garífuna settlement and that it had created the Research and Legal Status of Indigenous and Afro-Honduran Peoples Project. Finally, it reported that Legislative Decree 33-2022 repealed the decree containing the Organic Law on Employment and Economic Development Zones (ZEDES), which included provisions that transgressed and violated the formal limits of the form of government and the national territory.¹⁵⁵

141. Likewise, the CONADEH stated that deep reforms to the regulatory framework are required in accordance with international standards to guarantee the right to property of indigenous and Afro-descendant peoples in Honduras. It indicated that there is still a lack of political will on the part of the National Agrarian Institute, the Property Institute and local governments to promote these reforms and allocate an adequate budget to rehabilitate the lands of the communities. In particular, it indicated that it had no knowledge of any actions being taken aimed at complying with the *Triunfo de la Cruz* and *Punta Piedra* judgments. In addition, the CONADEH informed the Commission that there is no information system that

¹⁵² IACHR, *2021 Annual Report, Chapter V, Honduras*, para. 112 and 113.

¹⁵³ The identified cays were Savana Ki, Sauth Ki, Port Royal, Bobel, Sombrilla, Ki Gorda, Pichinki, Smokili, Saili Ki, Kat si Kumi, Karataska and Bogas. State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 24, November 3, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁵⁴ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 24, November 3, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁵⁵ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 24, November 3, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

monitors the restitution, demarcation, titling and rehabilitation situation of ancestral indigenous lands and territories, and that, although there is an inter-institutional committee to address social conflicts, it deals with specific cases and does not establish a comprehensive and structural approach to land property. Finally, it informed that the National Congress is not willing to strengthen the National Agrarian Institute, which limits the guarantee of the right to property of indigenous peoples.¹⁵⁶

142. With regard to the information provided by the CONADEH, the State indicated in its observations to this report that according to the SEDH, actions have been taken in targeted territories with high levels of long-standing social unrest in order to address the social, agricultural, and socioenvironmental conflicts and strengthen the human rights approach by setting up the departmental committees on preventing and addressing conflicts. The State indicated that these committees have identified conflicts over land ownership that call for special, priority treatment, for which reason it created the Interagency Land Commission. It also noted that it is setting up these committees in five other departments, namely: Islas de la Bahía, Gracias a Dios, La Paz, Santa Barbara, Intibucá, and Valle.¹⁵⁷

143. Although the Commission values the actions reported on the compliance with this recommendation and considers that additional information specifying substantial progress in the processes of demarcation, titling and rehabilitation of the lands and territories claimed by indigenous peoples is necessary, the Inter-American Commission considers that this recommendation continues to be met with **partial compliance**.

144. In order to guide the follow-up process of this recommendation, the Commission invites the State to adopt the necessary measures to ensure that a large majority of these lands and territories have followed these processes of demarcation, titling and rehabilitation. In addition, it is important that the monitoring of this recommendation be accompanied by data illustrating the evolution of the demarcation, titling and rehabilitation processes over time, by analyzing the totality of the claimed lands and territories. In this regard, the Commission considers that an informative record will help to systematize this data and evaluate progress. Likewise, the Commission considers that the development and evolution of the land rehabilitation project in Moskitia will contribute positively to the process of implementing this recommendation.

145. Regarding the recommendation to **initiate a culturally appropriate procedure to give effect to the right to free, prior and informed consultation and consent, which incorporates the provisions of Convention 169 and international standards in the matter**, the State reported that during 2022 the main challenge for implementing this recommendation was to reach consensus on a new bill for a free, prior and informed consultation law. In addition, the State informed that it received the ILO Direct Contacts Mission from May 16 to May 19, 2022, with the purpose of holding meetings with all the sectors involved in Convention 169. It emphasized that, according to the mission, a majority of the indigenous peoples and participating sectors are not satisfied with the draft bill on the free, prior and informed consultation. For this reason, the State began efforts to draft a new bill that includes all the indigenous peoples and sectors involved.

146. In this regard, the implementation of the Grant Agreement between the Central American Bank for Economic Integration (BCIE) and the Republic of Honduras is currently being coordinated with the technical assistance of the UNDP. The State indicated that the purpose of this Grant Agreement is to support a Comprehensive Strategy for the Creation and Promotion of Engagement Spaces with Indigenous and Afro-descendant Peoples with a rights and social participation-based approach. In addition, the State informed that this project responds to the priorities and commitments of the current administration to indigenous and Afro-descendant peoples, aimed at ensuring their right to free, prior and informed consultation under ILO's

¹⁵⁶ CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

¹⁵⁷ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023. Cited: DGSP.

Convention 169. It indicated that, as a result of this strategy, it expects to reach consensus on a bill for a free, prior and informed consultation law.¹⁵⁸

147. For its part, the CONADEH stated that, currently, the circumstances surrounding the passing of a free, prior and informed consultation and consent law are extremely difficult. For this reason, the CONADEH informed that it is analyzing a different way of guaranteeing this right through a trained and independent Judiciary Branch that exercises control of conventionality. In this regard, the CONADEH informed that court rulings that determine the nullity of proceedings granting concessions or other benefits without ensuring a free, prior and informed consultation must be immediately enforced by the Honduran State and establish avant-garde case law in the protection of human rights. Finally, the CONADEH highlighted that Legislative Decrees 032-2022 and 033-2022 repealed the legal framework which allowed the existence of the ZEDES () in its entirety.¹⁵⁹ On this last point, the Commission notes that, in spite of this positive development, during the protocol and working visit to Honduras from August 30 to September 1, 2022, civil society organizations informed that the ZEDES which had been authorized previously were still operating.¹⁶⁰

148. The Commission has taken careful note of the information regarding the current draft bill aimed at regulating free, prior and informed consultation and consent, which has not included all the indigenous peoples and sectors involved.¹⁶¹ Considering that the State has announced that it is taking steps to prepare a new draft bill on the subject, the Commission awaits specific information on the progress of this initiative. In addition, based on the information received in 2021, when the Commission learned that a bill was being discussed in Congress,¹⁶² it requests specific information on the status of this bill and the proceedings related thereto, with the purpose of confirming whether it will be withdrawn or replaced, according to the most recent information provided by the State.

149. The Commission also recalls that in its monitoring for the 2021 Annual Report, it took note of the importance of the State's duty to ensure consultations and free, prior, and informed consent in connection with the Employment and Development Zones (ZEDE). Notably, the Commission had observed major risks for tribal Afro-descendent and indigenous peoples, due to the ZEDE's extensive authority to organize the territories without consulting those peoples and without their free, prior, and informed consent, which violates inter-American standards and endangers their lands, territories, and natural resources.¹⁶³ In addition, the Commission recalled that in June 2021, the United Nations had indicated that approximately 35% of Honduras's territory would be made available for the special ZEDE regime, as "zones with a high density of indigenous and Afro-descendent population, with histories of territorial conflict." In connection with this, the IACHR indicated that the United Nations had expressed its concern over the establishment of the ZEDE, indicating that they could pose grave risks to State of Honduras's general obligation to respect and guarantee the free and full exercise of the rights of all inhabitants, without discrimination, due to the autonomy that the ZEDE would have with regard to the administration of public services and the justice and criminal justice systems.¹⁶⁴ In the meantime, the Inter-American Commission considers that this recommendation remains **pending compliance**.

150. In order to guide the implementation of this recommendation, the IACHR invites the State to adopt and report on measures that may consist of, for example, legislation and regulations, institutional

¹⁵⁸ SIMORE, [Report dated November 3, 2022](#), Recommendation No. 25.

¹⁵⁹ CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

¹⁶⁰ Information provided by civil society organizations during the protocol visit conducted by the Inter-American Commission in Honduras between August 30 and September 1, 2022.

¹⁶¹ In this regard, the Commission stated in its *2021 Annual Report* that the bill reported by the State at that time had been the subject of significant opposition by indigenous and Afro-descendant peoples who viewed it as harmful to their rights. IACHR, *2021 Annual Report, Chapter V, Honduras*, para. 121.

¹⁶² IACHR, *2021 Annual Report, Chapter V, Honduras*, para. 119.

¹⁶³ IACHR, *Annual Report 2021, Chapter V, Honduras*, par. 127.

¹⁶⁴ United Nations. *Las ZEDE podrían suponer serios riesgos para la garantía de los derechos humanos por parte del Estado de Honduras*. June 8, 2021.

strengthening actions or public policies that ensure the effectiveness of the right to consultation and the right to free, prior and informed consent in Honduras. In this regard, the Commission reminds that these measures must be culturally appropriate and must incorporate both Convention 169 and international standards on the matter. In addition, the Commission believes that the State should consider the proposals and initiatives developed by indigenous and Afro-descendant peoples to implement consultation and consent as part of a broader and more inclusive dialogue process. In this regard, the Commission notes that some indigenous peoples in Honduras and other countries of the region have developed or are in the process of developing their own autonomous consultation protocols.¹⁶⁵ The Commission underscores that this type of initiatives are based on the right of indigenous and tribal peoples to define the manner in which they wish to exercise their rights within the framework of their self-determination.¹⁶⁶

151. Regarding the **recommendation to implement public policies that address the needs of the peoples in Moskitia, in particular, socioeconomic marginalization through effective measures that combat poverty and improve education, employment and health**, the State indicated that there are still historical challenges in terms of mobilization, access to basic rights and protection of ancestral lands in the Moskitia community.

152. In particular, the State indicated that the Ministry of Health works comprehensively by carrying out home visits and holding monthly meetings with the Inter-agency Commission for Addressing Fishing and Diving Issues to ensure care for Miskito divers. In addition, the State informed that it had a team of physicians trained in hyperbaric medicine and the hyperbaric chamber. In parallel, the State informed that it had entered into a Management Agreement for the Administration of Resources for the Provision of First- Level Comprehensive Health Services with the representative of the municipality of Brus Laguna to improve health conditions, prioritizing attention to women, girls, and adolescents.¹⁶⁷

153. For its part, the Ministry of Education (SEDUC) initiated an educational reform and reported on measures to address the educational needs of the Miskito people, as well as on some achievements of the Intercultural Bilingual Educational Model (EIB). These included benefits for pre-school, elementary and secondary school students; workshops focused on the EIB aimed at officials from the Ministry of Education, teachers, members of the armed forces, parents and community leaders; and the development of education materials.¹⁶⁸ In addition, the State mentioned that some activities are ongoing, including the reproduction of 19,300 workbooks on nine indigenous and Afro-Honduran peoples aligned with their view of the world and interculturalism, which will benefit the Miskito people; training for teachers on the new EIB model and the use of the workbooks, with the support of Save The Children and UNICEF; and scholarships for sons and daughters

¹⁶⁵ IACHR, *Right to Self-Determination of Indigenous and Tribal Peoples*, OEA/Ser.L/V/II, Doc. 413(2021), para. 299. The free, prior and informed consent protocol of the Nahua people in Honduras is mentioned in this paragraph, as well as initiatives from the Lenca and Chortí peoples for the development of consultation protocols related to forest governance.

¹⁶⁶ IACHR, *Right to Self-Determination of Indigenous and Tribal Peoples*, OEA/Ser.L/V/II, Doc. 413(2021), para. 178.

¹⁶⁷ SIMORE, *Follow-up report, Recommendation 24*, November 4, 2022.

¹⁶⁸ Specifically, the State reported the following measures: 1. Review of the fourth addendum to the Cooperation Agreement between the Ministry of Education and the Association of Honduran Miskito Divers with Disabilities (AMHBLI), benefiting 85 pre-school, elementary and secondary school students; 2. Workshops on: awareness on the EIB model (Reimagining the Education of Indigenous and Afro-Honduran Peoples), with the participation of 31 authorities of the Ministry of Education; review and prioritization of bilingual interculturalism and cross-cutting themes for 13 teachers in the department of Intibucá; Miskito language classes, aimed at members of the armed forces of Honduras, with the participation of 25 officers; and the preliminary congress to disseminate the new regulations on Garífuna language writing among teachers from the municipality of Iriona in the department of Colón, with the participation of 100 Garífuna teachers, parents and community leaders from the San José de la Punta community. The progress in Garífuna language reading and writing and the advances in the application of the new EIB model were discussed in this event. 3. Preparation of 85 texts on indigenous and Afro-Honduran peoples for elementary school students. 4. Development of lessons for module 1 “Kotik Molka Niwamal” “Aprendamos a hablar lenca” on a virtual platform, with the participation of 35 teachers. 5. Training for 72 teachers from the Maya Chortí people and 34 teachers from the Lenca people in their native language under the implementation of the EIB model. 6. Layout of the workbooks on Language, Culture and Worldview of the Nine Indigenous and Afro-Honduran Peoples. 7. Conclusion of the Processes and Procedures Manual for the Deputy General Education Directorate for Indigenous and Afro-Honduran Peoples (SDGEPIAH). State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 24, November 3, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

of injured divers from the Honduran Moskitia area. Finally, the Ministry of Education indicated that, by 2022, there were 111,991 enrolled students (56,146 girls and 55,845 boys) and 1,242 EIB centers in the country.¹⁶⁹

154. The State emphasized that the Ministry of Agriculture (SAG) developed a proposal for the second phase of the Inclusive Territorial Economic Development Program (PARAWANKA II) with a budget of 2,610,000.00 lempiras to be distributed between October 2022 and March 2024. In addition, the State indicated that it is working with 3,236 disadvantaged, excluded and impoverished families distributed in 41 communities of the Honduran Moskitia area and that 1,500 of them will receive support to work in agricultural food production. The State informed that it is empowering territorial stakeholders in fishing and cocoa and basic grains value chains from the middle-lower Patuca river basin with public-private partnerships and respecting the rights of indigenous peoples. Likewise, it stated that it is promoting coordinated actions with other donors through the Moskitia Territorial Governance Platform and the Advisory Council of the Alliance for the Development of the Honduran Moskitia. Finally, the State indicated that it is increasing food production, improving the income of women and young people, and creating employment.¹⁷⁰

155. For its part, the Ministry of Social Development launched the Nuestras Raíces program, which included the establishment of a working table with the Miskito peoples. The purpose of this program would be to integrate indigenous and Afro-Honduran peoples into a platform for international cooperation and by means of state projects and services which guarantee social, political, economic and cultural development in their communities, as well as respect for and compliance with territorial and ancestral rights. It stated that this program had six components, namely: citizen participation and governance of indigenous and Afro-Honduran peoples; defense and legal instruments and mechanisms, intercultural education and ancestral knowledge; basic infrastructure and access to public services; strengthening of production structures and food security; culture and socioeconomic development; and entrepreneurship and enterprises with a community approach. Finally, the Ministry of Social Development informed that an update to the policies against racism and racial discrimination and for the integral development of indigenous and Afro-Honduran peoples was planned.¹⁷¹

156. For its part, the CONADEH stated that it continues to receive complaints about internal conflicts related to the private sale of lands in the Moskitia area, and that some of them involve death threats in the context of drug trafficking. It also indicated that, in 2021, it handled 82 complaints of indigenous peoples and that 45 percent of them were from the department of Gracias a Dios. In addition, the CONADEH voiced its concern about the suspension of the Plan for the Development of Moskitia, inasmuch as no viable alternatives were offered. Likewise, it stated that it did not identify any substantial progress on the compliance with the *Lemoth Morris (Miskito Divers)* judgment and that, on the contrary, compliance with reparation measures stopped after the elimination of the Ministry of Social Development and Inclusion and the creation of the Ministry of Social Development. The CONADEH informed that, with the support of the Danish Institute for Human Rights, it conducted a study on the impact of the submarine fishing industry on the rights of the Miskito divers and that some preliminary results show that the lack of public and private initiatives created a legal loophole which favors exploitation. Finally, the CONADEH indicated that it had no information about the geographical scope of the Nuestras Raíces program.¹⁷²

157. Based on the information received, the Commission finds that compliance with this recommendation requires a series of structural actions that should be sustained over time and that, on the basis of the measures that have been reported to date,¹⁷³ this recommendation continues to be met with **partial compliance**.

¹⁶⁹ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 24, November 3, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁷⁰ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 24, November 3, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁷¹ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 24, November 3, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁷² CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

¹⁷³ [2021 Annual Report, Chapter V, Honduras](#), paras. 129 to 131.

158. In order to guide the follow-up process of this recommendation, the Inter-American Commission suggests the implementation of public policies which are effective to combat poverty and improve the education, employment and healthcare conditions of the peoples in the Moskitia area. Considering that this recommendation is related to the effectiveness of the policies adopted, the Commission invites the State to not only provide information about isolated actions implemented by different state entities, but also to point out how, as a whole, these measures have achieved the objectives set out in the recommendation. For the Commission, it is important that these results also include the different aspects of the recommendation with regard to culture preservation; language; strengthening of values; transmission of ancestral knowledge; comprehensive healthcare, water and food; and guarantee of the labor rights of the Miskito divers. Finally, the Commission also invites the State to report information on future steps in the development of the Plan for the Development of Moskitia, as well as on updates thereto. In addition, as stated in its *2021 Annual Report*, the Commission reiterates that compliance with the reparation measures established in the *Miskito Divers (Lemoth Morris et al.) v. Honduras* ruling is related to the compliance with this recommendation and, therefore, the Commission also reiterates its invitation for the State to report information concerning its implementation.¹⁷⁴

▪ **Recommendations on women's rights**

- 13. Investigate, judge and punish, with a gender perspective and as a matter of priority, violations against women's human rights, especially femicides against trans women. Also, to diligently investigate acts of violence against human rights defenders and other groups at particular risk identified in this report.
- 14. Adopt plans, policies and legislation aimed at guaranteeing and overcoming all the obstacles for the full exercise of the sexual and reproductive rights of girls, adolescents and women.

159. With regard to the **recommendation** that urges the State **to investigate, judge and punish, with a gender perspective and as a matter of priority, violations against women's human rights, especially femicides against trans women, and in addition, to diligently investigate acts of violence against human rights defenders and other groups at particular risk identified in this report**, the State indicated that the SEDH maintained its efforts to strengthen the Inter-institutional Commission to Monitor Violent Deaths of Women and Femicides (CISMVMF). It pointed out that, in November 2021, a workshop on forensic expertise on femicides was held with the support of Justice Education Society. It also indicated that the CISMVMF submitted more than 90 cases at sessions with the Office of the Public Prosecutor and the Directorate of Criminal Investigation, so that they foster the corresponding investigations and ensure access to justice with a human rights approach. Moreover, this entity trained 425 public officials¹⁷⁵ on gender intersectionality, gender equity, women's rights, violence against women, and the national and international frameworks for the protection of women's rights. Lastly, the State reported that the organizations that make up the CISMVMF trained 36 public officials on violence against women and femicides.¹⁷⁶

160. The Ministry of Women's Affairs made progress on the Purple Alert Law, an early warning strategy for missing women promoted by the CISMVMF. It indicated that in August 2022, it engaged in an exchange with the government of Mexico to learn about the experience of the Mexico City Commission on Missing Persons.¹⁷⁷

¹⁷⁴ IACHR Court, *Miskito Divers (Lemoth Morris et al.) v. Honduras*, Judgment of August 31, 2021, para. 150. *2021 Annual Report, Chapter V, Honduras*, para. 135.

¹⁷⁵ According to the information provided, these officials are members of the National Police, the Military Police of Public Order, the Honor Guard, the administrative and medical staff of Hospital Escuela (teaching hospital), and members of the military industry.

¹⁷⁶ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 13, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁷⁷ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 13, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

161. In addition, the General Directorate of Public Prosecutions trained 5,519 people on gender-based violence prevention and held 116 prevention workshops; prosecutors nationwide received gender training sponsored by the U.S. Embassy's INL and the Public Prosecutor's Training School; and a mobile unit for women victims of violence was created under the Specialized Comprehensive Care Module (MAIE).¹⁷⁸

162. In addition, the Office of the Public Prosecutor provided figures on complaints, assistance to victims, court appearances, security measures, arrests, mechanisms for home security, prosecutorial requests and inspections. These data were submitted by teams working under the Office of the Public Prosecutor, such as the Office of the Special Prosecutor for the Protection of Women, the Directorate of Technical-Legal Prosecution and the General Directorate of Public Prosecutions. They account for the number of women victims, cases of domestic violence and gender-based crimes, sex crimes and breaching of security mechanisms established to protect the victims.¹⁷⁹ Furthermore, the Office of the Public Prosecutor specifically referred to the case of Keyla Patricia Martínez, for which an oral and public trial was held from September 22 to September 28, 2022, and is pending a final sentence.¹⁸⁰

163. Regarding the investigation of cases involving human rights defenders and indigenous peoples, the Office of the Public Prosecutor informed the Inter-American Commission of the establishment of the Committee for the Comprehensive Assistance to the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH) and the Lenca people. With regard to the investigation of cases involving human rights defenders, the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators (FEPRODDHH) indicated that 25 percent of the cases submitted from January 2022 to August 2022 had a court ruling. Additionally, as for specific cases, the Office of the Public Prosecutor reported that in 2022 Roberto David Castillo was convicted for the murder of Bertha Isabel Cáceres Flores and sentenced to 22 years and 6 months of imprisonment. It also indicated that in October 2022, a date was scheduled for an oral and public trial to judge the persons allegedly responsible for the murder of defender Félix Vásquez.¹⁸¹

164. Conversely, the CONADEH underscored that 95 percent of violent deaths of women and femicides remain unpunished. According to this entity, the State's failure to investigate these cases leads people to distrust its institutions. It further reported that in 2021, it recorded 3,159 complaints of human rights

¹⁷⁸ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 13, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁷⁹ In this regard, the Office of the Public Prosecutor provided the following figures: Between September 2021 and August 2022, the Office of the Special Prosecutor for the Protection of Women provided direct assistance to 26,033 women in cases of domestic violence and gender-based crimes; it received 12,762 complaints; it appeared in court 6,450 times; it addressed 3,314 cases of domestic violence and 8,164 cases of psychological assistance and counseling following a crime. The Directorate of Technical-Legal Prosecution fostered 3,119 arrests, including 549 arrests for domestic violence, 1,893 for intrafamily violence, 337 for sex crimes, and 340 for breaching of security mechanisms for victims. The Office of the Public Prosecutor coordinated the implementation of 4,940 mechanisms for home security, which entailed 2,735 sentences: 1,852 for domestic violence, 613 for intrafamily violence, 233 for sex crimes, 19 for the breaching of security mechanisms, and 18 for violence against women. It was reported that 652 victims received reparations. A total of 4,118 prosecutorial requests were filed before criminal courts: 2,838 for domestic abuse, 499 for sex crimes, 695 for breaching of security mechanisms, 85 for violence against women and 1 for discrimination. The General Directorate of Public Prosecutions carried out operation Débora VI at the national level with a gender-sensitive approach, which resulted in the arrest of 134 offenders, 279 prosecutorial requests and 215 inspections. From October 2021 to August 2022, the Specialized Comprehensive Care Module (MAIE) received 3,864 complaints of domestic violence, and 1,191 security measures to protect women victims of violence were implemented. State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 13, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁸⁰ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 13, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁸¹ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 13, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

violations filed by women.¹⁸² Moreover, of the total number of complaints, 1,858 were against individuals and 469 against the Ministry of Security and its agencies. The CONADEH also indicated that it is necessary to strengthen the Inter-institutional Commission to Monitor the Investigations of Violent Deaths of Women and Femicides (CISMVMF) and the units that investigate violent deaths of women and femicides. In addition, it noted that one major challenge faced by the CISMVMF is the lack of participation in the Unified Information System on Femicides, which is not fed collectively, and it emphasized the fact that there are marked gaps between its figures and the official institutional statistics.¹⁸³ Moreover, it highlighted the main challenges for investigating, prosecuting and punishing violations of rights perpetrated against human rights defenders, namely, an inadequate regulatory framework that criminalizes their work; the lack of specialized expertise and financial resources for the national protection mechanism; the shortage of specialized and differentiated instruments for investigating major risk threats to defenders; and the failure to comply with guarantees of non-repetition in cases under the supervision of the Inter-American Court.¹⁸⁴

165. Civil society organizations reported a high prevalence of cases of violence against women, girls, and adolescents, especially sex crimes and femicides. Civil society figures indicate that, between January 2022 and October 2022, 250 violent deaths of women and femicides were recorded.¹⁸⁵ Likewise, between January 2022 and August 2022, 31,810 complaints were filed for domestic violence, 50,351 for intrafamily abuse,¹⁸⁶ and 1,615 for sexual violence, the majority of which (51.6 percent) were committed against girls and adolescents.¹⁸⁷

166. The Commission also learned of some obstacles with regard to criminal proceedings, such as complaints failing to be investigated thoroughly (an average of four out of every 10 complaints filed are unresolved), investigations conducted poorly and a lack of probative elements and physical evidence.¹⁸⁸ Civil society organizations reported on the existence of a Virtual Gender School administered by the Ministry of Women's Affairs, aimed at providing training on gender equality, gender-based violence and applicable inter-American standards. However, they pointed out that these courses are not mandatory for justice operators and that the platform's outreach is still too narrow due to lack of dissemination.¹⁸⁹

167. Furthermore, the Commission learned in 2021 about the death of Keyla Patricia Martínez while she was under the custody of the National Police.¹⁹⁰ On August 24, 2021, during the course of the investigation of this case, the Office of the Public Prosecutor filed a request for the crime to be considered an aggravated femicide. Nevertheless, the Court of Appeals of the city of Comayagua reclassified the crime as a simple murder, a decision that was challenged by means of a writ of *amparo* that was admitted on October 21,

¹⁸² The CONADEH indicated that the most frequently violated rights are the right to life (616) and the right to personal integrity (513). CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

¹⁸³ In this regard, the CONADEH pointed out that during the 2021 electoral race, it received 260 complaints, including 54 reports of human rights violations. Twenty percent of the complaints were filed by women, and 35 percent involved violations committed by an individual. As part of the observation mission for the primaries and general elections of 2021, between November 13 and December 8, 2021, the CONADEH recorded 120 reports of electoral violence and 16 reports of gender-based violence. CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

¹⁸⁴ CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

¹⁸⁵ Center for Women's Rights (CDM), [Observatory of Violence Against Women 2022](#), n/d, accessed on December 1, 2022.

¹⁸⁶ Center for Women's Rights (CDM), [Observatory of Women's Human Rights](#). Violence against women and girls in Honduras. January to June 2022, n/d, accessed on December 1, 2022.

¹⁸⁷ Center for Women's Rights (CDM), [Observatory of Women's Human Rights](#). Sexual violence against women and girls in Honduras. January to June 2022, n/d, accessed on December 1, 2022.

¹⁸⁸ Report by the Women's Rights Center. Response to the consultation questionnaire to prepare a report on the follow-up and impact of the recommendations issued by the IACHR to the states of Honduras, Guatemala and El Salvador, August 12, 2022.

¹⁸⁹ Report by the Women's Rights Center. Response to the consultation questionnaire to prepare a report on the follow-up and impact of the recommendations issued by the IACHR to the states of Honduras, Guatemala and El Salvador, August 12, 2022. Citation: Government of the Republic of Honduras, Ministry of Women's Affairs. [Gender School](#).

¹⁹⁰ IACHR, [2021 Annual Report, Chapter V, Honduras](#), para. 149.

2022, when the oral trial had already been held. According to the information available, this would have been the first case of aggravated femicide filed against a state agency.¹⁹¹

168. The Inter-American Commission has taken careful note of the compliance measures regarding the institutional strengthening of the entities in charge of investigating these cases, but it also urges the State to foster the assessment of these measures in terms of suitability and relevance to effectively reverse impunity. However, considering that information on additional compliance measures is still needed, the Commission considers that the status of compliance of this recommendation continues to be **partial**.

169. In order to guide the implementation of this recommendation, the Commission asserts that it is directly related to the reduction of impunity in cases of human rights violations, especially those involving women (notably, femicides of trans women), human rights defenders and other groups at particular risk.

170. Considering the significant levels of prevalence of human rights violations referred to in this recommendation, the Inter-American Commission urges that compliance measures be accompanied by a systematic evaluation based on reliable information records of the prevalence of these violations, the opening and progress of investigations, the procedural rulings to prosecute and punish them, and the clampdown on impunity for this type of crimes. The implementation of this recommendation shall be fueled by the production of complete, disaggregated and regularly updated statistics that allow for the identification of the specific ways in which violence affects the most vulnerable groups among women, such as trans women, in order to evaluate the effectiveness of measures to prevent, punish and eliminate violence, as well as to formulate and apply the necessary changes.¹⁹² Additionally, the Commission exhorts the State to report information on the fulfillment of this recommendation with respect to women, but with a special emphasis on femicides of trans women. It also encourages investigations involving defenders, indigenous peoples, LGBTI persons and other persons facing particular risks.

171. In relation to the **recommendation to adopt plans, policies and legislation aimed at guaranteeing and overcoming all the obstacles for the full exercise of the sexual and reproductive rights of girls, adolescents and women**, during 2022, the State reported that the Ministry of Health implemented a series of measures to guarantee the exercise of sexual and reproductive rights, such as providing gender-sensitive training to health staff on how to guarantee sexual and reproductive rights; applying the Adolescent Pregnancy Reduction Policy; providing training to nationwide health networks on the National Gender Policy; implementing the National Sexual and Reproductive Health Policy; establishing the National Breastfeeding and Maternal Mortality Committees; and approving several subject-related manuals and guidelines.¹⁹³

172. The Ministry of Education has devised a Sexual and Reproductive Rights Plan. It reported that, within the framework of the National Sexual and Reproductive Health Policy, it prepared two guides on training for pre-school, primary and secondary education institutions.¹⁹⁴ It also reported on the Multisectoral Plan for Adolescent Pregnancy Prevention – currently being updated to its 2019-2022 version – and the approval of the 2019-2022 Institutional Strategic Plan, whose fourth objective is the provision of sexual and reproductive health services. In addition, it pointed out that the Ministry of Development and Social Inclusion, the National

¹⁹¹ COFADEH, Follow-up on compliance with recommendations. Report on the *Situation of Human Rights in Honduras*, November 3, 2022.

¹⁹² IACHR, *Violence and Discrimination against Women and Girls*. [Annex 1: Standards and Recommendations](#), OEA/Ser.L/V/II. Doc. 233, November 14, 2019, para. 17.

¹⁹³ Among these, the State referred to the Handbook for the Comprehensive Management of Maternal and Congenital Syphilis; the Manual on Mental Health Care and Psychosocial Support for People with HIV; the guidelines for the creation of the Technical Committee on Adolescent Health and the Local Committees for Adolescent Pregnancy Prevention; and the Guidelines on Mental Health Care and Psychosocial Support for Surviving Victims of All Forms of Violence. State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 14, November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁹⁴ Two guidelines were reported: Taking Care of my Health and my Life, and School for Parents on Comprehensive Sex Education.

Center for Social Sector Information and the United Nations Population Fund (UNFPA) developed a comprehensive policy strategy that prioritizes 22 municipalities where there is a high prevalence of adolescent pregnancy and poverty. It was also reported that the Office of the Public Prosecutor, the Ministry of Security and the Ministry of Education signed agreements to train teachers on the prevention of bullying and abusive sexual behavior. Moreover, the Ministry of Education set up the Commission on Gender Issues with the assistance of the National Women's Institute and the civil society, with the purpose of training and raising gender awareness in 12 departments. The National Strategy for Adolescent Pregnancy Prevention was also put in place and is currently undergoing a process of evaluation and redesign.¹⁹⁵

173. The Ministry of Education also reported on programs such as the Sexual and Reproductive Health Module of the Ciudad Mujer Program; comprehensive sex education for children in the school curriculum; programs for Afro-Honduran women to improve their access to education; and the strengthening of clinics and hospitals in 19 municipalities under the Mesoamerica Health Program. Finally, it informed of the approval of the Handbook of Processes and Procedures drafted by the Directorate for Adolescent Pregnancy Prevention of the Ministry of Development and Social Inclusion, with a budget of 11,600,000 lempiras.¹⁹⁶

174. Additionally, the State reported the creation of the Ministry of Women's Affairs (SEMUPER) by means of Executive Decree 05-2022 of April 6, 2022, as the body responsible for promoting gender justice, full equal rights, and broad opportunities for women, as well as the elimination of all forms of discrimination, exclusion and violence based on gender or other actions that harm women's human dignity. In this regard, it pointed out that the Ciudad Mujer Program falls under SEMUPER and comprises six centers that provide care through the Sexual and Reproductive Health Module. Moreover, it indicated that the bill for a Comprehensive Law on Violence against Women is under review and that it will be an important step forward in comprehensive care for women. The State also informed of the current preparation of the third 2022-2033 Honduran Gender Equality and Justice Plan of the National Women's Policy, and the 2022-2033 National Plan on Violence against Women. On comprehensive health, sexual and reproductive rights, it referred to the updating of the Protocol for the Care of Victims and Survivors of Sexual Violence, which includes emergency contraception. Moreover, the Strategic Gender Roadmap of the Ministry of Education (SEDEC) was established, so as to provide children in schools with comprehensive sex education and education on human rights as of the second quarter of 2023. Finally, it was pointed out that a strategy for adolescent pregnancy prevention is in force, which entails training sessions for 2,358 adolescents at different educational centers.¹⁹⁷

175. Lastly, the following draft decrees to guarantee women's sexual and reproductive rights are being discussed in the National Congress of the Republic: Executive Agreement No. 01-DGAJTC-2022, which contains the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Law Against All Forms of Gynecological and Obstetric Violence; the Law on Comprehensive Sex Education; the Law for the Consolidation of Labor Rights for Honduran Women; and the sales tax exemption for imports and local sale of products of menstrual and women's intimate hygiene.¹⁹⁸

176. The CONADEH emphasized that it is advocating for the unbanning and non-stigmatization of abortion and the unbanning of the emergency contraceptive pill (ECP). It informed that on March 8, 2022, it filed an *amicus curiae* request before the Constitutional Chamber supporting the unconstitutionality appeal filed by platform Somos Muchas regarding the amendments to Article 67 of the Constitution and Article 196 of

¹⁹⁵ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 14, February 21, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁹⁶ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 14, October 27, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁹⁷ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 14, November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

¹⁹⁸ State of Honduras, Follow-up Report published at the Inter-American SIMORE, Recommendation No. 14, November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

the Criminal Code, which set forth the prohibition of the voluntary interruption of pregnancy. It reported that the Constitutional Chamber had not made any pronouncements on the issue. Furthermore, the CONADEH has urged the Ministry of Health to take into account the WHO and PAHO criteria regarding the use of ECP and has recalled that one of the commitments of the incumbent administration is to lift the ban on this contraceptive method.¹⁹⁹

177. With regard to the foregoing, in its observations to this report, the State indicated that in December 2022 the Ministry of Health authorized the use of the emergency contraceptive pill. It also indicated that the agreement requests the Health Regulation Agency to supervise and oversee compliance with the legal and technical regulation of medications to ensure the population's health is protected, as well as to formulate and publish protocols that will ensure immediate, comprehensive, quality care for sexual violence survivors in the public health services.²⁰⁰

178. On the one hand, they reported that women's and feminist organizations had submitted to the Presidency of the Republic the bill for a Comprehensive Law on Violence against Women, which is currently under review.²⁰¹ They underscored that, despite the fact that the State indicated that it had worked on the implementation of the Latin American Model Protocol for the Investigation of Gender-Based Violent Deaths of Women, some shortcomings were identified, as evidenced by the handling of the case of Keyla Martínez – according to the information reported, the classification of the crime was changed from aggravated femicide to simple murder. In this regard, the civil society is urging the Office of the Public Prosecutor to adapt this Model Protocol to turn it into a national protocol.²⁰²

179. With regard to the Comprehensive Law on Violence Against Women, in its observations to this report, the State noted that it had established a committee with executive and legislative branch representatives, in compliance with the Constitutional President of the Republic's directives to analyze and agree on a consensus version of the aforementioned law that could be submitted to the National Congress. The State reported that on February 7, 2023, the Ministry of Women's Affairs and the Office of the President sent the proposed Special Comprehensive Law against Violence Against Women (LEI-CVM) to the President of the Republic. Furthermore, the State indicated that the LEI-CVM is the result of an 11-month process of technical discussion with agencies from all branches of government, and that it remains to be sent to the National Congress for presentation, discussion, and approval.²⁰³

180. The Commission was also informed of the dissatisfaction with the law on responsible parenthood for allegedly ignoring gender equity and the needs of women and their children, and for being a lax law that benefits the freedom of men, overburdening women.²⁰⁴

181. Regarding the importance of sexual and reproductive health services and access to information thereof, civil society organizations stated that the measures implemented by the State are not resulting in a reduction of early pregnancies and maternity; in addition, access to services and information on

¹⁹⁹ CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

²⁰⁰ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023. Agreement 14,874-2022.

²⁰¹ Women's Rights Center, Answers to a consultation questionnaire, August 12, 2022. Citation: <https://criterio.hn/honduras-ley-de-violencia-contrala-mujer-avanza-hacia-su-aprobacion/>.

²⁰² Women's Rights Center, Answers to a consultation questionnaire, August 12, 2022.

²⁰³ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

²⁰⁴ *El Criterio HN*, "Institutionalized machismo in Honduras produces laws without gender equity." July 16, 2021. <https://criterio.hn/el-machismo-institucionalizado-en-honduras-produce-leyes-sin-equidad-de-genero/>.

sexual and reproductive health continues to be insufficient.²⁰⁵ They also stressed the importance of allowing emergency contraceptives.²⁰⁶

182. Based on the information available to the Inter-American Commission in relation to the follow-up of this recommendation, the Commission notes that the State reported the implementation of relevant measures aimed at complying with this recommendation through different public entities. Considering the importance of the measures showing good results and progress, and that several additional measures are still planned and in progress or under review, the Commission reiterates that the status of compliance of this recommendation continues to be **partial**.

183. In order to guide the implementation of this recommendation, the Commission urges the State to also report on how the informed measures have contributed in practice to overcoming the obstacles to the exercise of these rights, particularly with regard to access to information thereof and to sexual and reproductive health services for women, girls and adolescents. Likewise, the follow-up of this recommendation calls for information on the progress made in the implementation of some of the reported measures in terms of their contribution to the exercise of sexual and reproductive rights, including draft bills, plans and relevant protocols.

▪ **Recommendations on the rights of children and adolescents**

- 15. Ensure that the National Policy on Childhood responds to the protection needs of children and is based on a realistic and participatory diagnosis, covering all rights, identifying groups in a particular situation of vulnerability, and including indicators to measure the progress and effectiveness of the policy.
- 16. Review and construct a national strategy for the prevention of violence against children that addresses the structural causes that make this population suffer the effects of criminal groups. In this sense, the State should prioritize the prevention and eradication of sexual violence, and include abroad participation of children and adolescents and civil society organizations.

184. In relation to the **recommendation to ensure that the National Policy on Childhood responds to the protection needs of children and is based on a realistic and participatory diagnosis, covering all rights, identifying groups in a particular situation of vulnerability, and including indicators to measure the progress and effectiveness of the policy**, the State reported that the National Directorate for Children, Adolescents and Families is advocating for different policy processes to get the National Policy to Guarantee the Rights of Children and Adolescents in Honduras 2020-2023 approved.²⁰⁷ The National Institute of Statistics (INE) pointed out that, although having indicators that measure the progress and effectiveness of policies continues to be a challenge, it carried out various actions to make visible the progress and efficiency in the exercise of children's rights, including surveys that yielded a number of indicators, as well as tools aimed at systematizing thematic information.²⁰⁸

²⁰⁵ According to the information received by the Commission, the Ministry of Health recorded 27,569 births given by girls between 10 and 19 years old in public hospitals in 2019, and 23,912 births in 2020. Furthermore, the preliminary record of the Ministry of Health for 2021 shows 22,547 births given by girls aged 15 to 19. Women's Rights Center, Answers to a consultation questionnaire, August 12, 2022. Citation: Preliminary data from the Ministry of Health of the Government of Honduras (SESAL). Adolescent childbirth hospital discharges by department and by hospital according to age group, Honduras C. A., 2016-2021. <http://www.salud.gob.hn/site/>.

²⁰⁶ Women's Rights Center, Answers to a consultation questionnaire, August 12, 2022.

²⁰⁷ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 15, November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁰⁸ This entity referred specifically to the following activities: The 2021-2022 Permanent Multiple Purpose Household Survey, from which indicators measuring the living conditions of children were obtained and whose results were to be shared in October 2022; a survey to analyze the impact of the Covid-19 pandemic on the status of food and nutritional security of children under 5 years of age and women of reproductive age of 15 to 49 years old, whose publication was also scheduled for October 2022; the Virtual Platform of the Committee of Statistics on Children, Adolescents, Youth and Families, within the scope of the Statistics Coordination Group of the National

185. The CONADEH and the civil society reiterated to the Commission that the National Policy to Guarantee the Rights of Children and Adolescents is pending approval.²⁰⁹

186. After revising the information provided by the State, the CONADEH and the civil society, the Commission awaits additional information on the next steps in the process of approval of the National Policy on Childhood and urges the State to continue working on it in a diligent way. Therefore, it considers that the level of compliance of this recommendation continues to be **substantial partial**.

187. Regarding the recommendation **to review and construct a national strategy for the prevention of violence against children that addresses the structural causes that make this population suffer the effects of criminal groups and to prioritize the prevention and eradication of sexual violence, and include abroad participation of children and adolescents and civil society organizations**, the State reported having assumed the responsibility of establishing the Council for the Prevention of Violence (COPREV) as the articulating entity of the National Policy for the Prevention of Violence against Children (PNPVNJ). The reported actions to strengthen the COPREV include the establishment of a technical body made up of different entities²¹⁰ and civil society organizations. Moreover, the COPREV has held several working meetings and is reviewing the PNPVNJ rules of procedure, and it has communicated the PNPVNJ in several municipalities²¹¹ and with interested institutions and organizations. The State also indicated that a budget of 532,500 lempiras was estimated to hire a technical coordinator for 2023.²¹²

188. The Inter-institutional Commission against Commercial Sexual Exploitation and Human Trafficking of Honduras (CICESCT) highlighted the importance of seeing an increase of its budget. Regarding the prevention and eradication of sexual violence, it indicated that its Immediate Response Team reported having received 27 complaints of potential human trafficking, human smuggling, missing persons, domestic violence, sexual abuse and threats throughout 2022, which were referred to the Unit against Trafficking, Commercial Sexual Exploitation and Human Smuggling (UTESCTP) of the Office of the Public Prosecutor, to INTERPOL's Missing Persons Unit, and to the National Directorate for Children, Adolescents and Families. It also indicated that, over the course of 2022, it identified and cared for 45 new victims (21 girls, 15 women and 9 boys) from Atlántida, Colón, Comayagua, Cortés, El Paraíso, Francisco Morazán, Olancho and Yoro, and it continued to provide primary and secondary care services. It also informed that the number of identified victims equals the number of victims of sexual exploitation and cases involving child sexual abuse material (child pornography). Lastly, the CICESCT reported having conducted workshops, training sessions, diploma courses, preventive fairs, delivery of materials, sticker campaigns, and interviews with the media, among other activities.²¹³

189. The CONADEH informed the Inter-American Commission that one of the greatest challenges regarding compliance with this recommendation is the lack of dissemination of explanatory information about

Statistics System, built and managed to aggregate the statistics produced by all state institutions involved in the subject; and the Statistics Development Plan of the Committee on Children, Adolescents, Youth and Families devised in February 2022 to strengthen – in terms of statistics – the operations identified by the INE with respect to each of the institutions that make up the Committee. Lastly, the INE reported on the creation of the Child Labor Survey, scheduled for 2023. State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 15, November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁰⁹ CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras. Report by COIPRODEN, institutions network.

²¹⁰ These entities include the following: the Ministry of Security, the National Youth Institute (INJUVE), the National Directorate for Children, Adolescents and Families (DINAF), the National Program for Prevention, Rehabilitation and Social Reintegration (PNPRRS), and the Ministry of Human Rights (SEDH).

²¹¹ These municipalities include Comayagua, Ajuterique, El Progreso, El Porvenir, Francisco Morazán, Puerto Cortés, La Ceiba, Tela, Juticalpa and Catacamas, among others.

²¹² State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 16, October 31, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²¹³ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 16, October 31, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

the actions that may constitute crimes, who can report these criminal actions and where they can be reported. In this regard, the CONADEH pointed out that this situation leads to a relatively low number of complaints, especially in rural areas. For example, in 2021, the CONADEH only received 238 complaints for violations of the rights of children and adolescents, accounting only for two percent of the total number of complaints received in 2022. Moreover, the CONADEH pointed out that the use of children and adolescents by organized crime is also worrying and indicated that between 2018 and 2020, 60 percent of young offenders were accused of crimes such as conspiracy with maras and gangs, extortion and facilitating means of transportation for drug trafficking.²¹⁴ Civil society organizations also expressed to the Commission that it is urgent to follow up on the National Response Plan for the Prevention of Violence against Children and Adolescents in Honduras, as well as to approve and allocate its operating budget.²¹⁵

190. Based on the foregoing, the Commission awaits further information on the approval of the National Policy for the Prevention of Violence against Children (PNPVNJ) and on how this measure constitutes a national strategy for the prevention of violence against children in the terms indicated in this recommendation. Meanwhile, it considers that the level of compliance of this recommendation continues to be **substantial partial**.

▪ **Recommendation on the rights of LGBTI persons**

- 17. Refrain from approving regulations that discriminate or have discriminatory effects against LGBTI persons. In addition, it is recommended that all necessary measures be taken to implement the due diligence standard in the prevention, investigation, punishment and redress of violence against LGBTI persons.

191. With regard to the follow-up of the **recommendation to refrain from approving regulations that discriminate or have discriminatory effects against LGBTI persons**, the State reported that on May 10, 2022, the Ministry of Human Rights publicly acknowledged the State's international responsibility in the case of *Vicky Hernández et al. v. Honduras*.²¹⁶

192. In addition, the Ministry of Human Rights indicated that, as part of the work carried out by the Human Rights Council-Cabinet established in 2022, the president of the Republic held meetings with organization Cattrachas and with LGBTI persons. As reported, with the aim of eradicating discrimination within the legal system and reducing discriminatory provisions, the following legal analyses of the control of conventionality has been prepared: a draft Legislative Decree to celebrate the National Day of the Right to the Truth in Relation to Serious Violations of Human Rights and the Dignity of Victims; the protocol for the investigation and administration of justice during criminal proceedings in cases involving LGBTI victims of violence; and the Inter-American Convention against All Forms of Discrimination and Intolerance.²¹⁷

193. The Office of the Public Prosecutor informed that it is developing a protocol in collaboration with Cattrachas for the investigation of crimes against members of the LGBTI community, in compliance with the judgment passed by the Inter-American Court in the case of *Vicky Hernández*. It also indicated that the Office of the Special Prosecutor for Crimes against Life completed training sessions on non-discrimination and due diligence, and participated in working groups with LGBTI persons to address cases with a human rights approach. Lastly, it pointed out that four cases related to the deaths of LGBTI persons were prosecuted, and

²¹⁴ CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

²¹⁵ Report by COIPRODEN, institutions network.

²¹⁶ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 17, October 31, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²¹⁷ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 17, October 31, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

four convictions were secured.²¹⁸ Meanwhile, a draft decree is under debate at the National Congress to establish May 17 as the National Day against Homophobia, Lesbophobia, Biphobia and Transphobia in Honduras.²¹⁹

194. The CONADEH indicated that the KAI Observatory of Kukulcan had registered 30 violent deaths of LGBTI persons up to August 2022.²²⁰ On this issue, the State clarified in its observations to this report that a detailed review of the statistical data on file at the Office of the Special Prosecutor for Crimes against Life revealed 23 violent deaths of LGBTI persons and 4 acts of violence (attempted crimes against life).²²¹

195. In terms of challenges to guaranteeing access to justice for these cases, CONADEH included the decentralization of available information and the apparent scant methodologies for identifying cases of LGBTI persons who are victims. It argued that it does not know the exact rate of impunity in cases handled by the National Committee for Access to Justice for LGBTI Persons, which includes seven regional working groups to follow up on and prevent the murders of trans and other LGBTI persons. Furthermore, the CONADEH has pointed out that the protocol ordered by the Inter-American Court ruling regarding the case of Vicky Hernández has not been drawn up yet. It highlighted that the lack of protocols covering the specificities of violence against LGBTI persons contributed to an increase in the rate of impunity. In addition, the unconstitutionality appeal filed by civil society organizations before the Constitutional Chamber of the Supreme Court of Justice regarding the amendments to Article 112 (same-sex marriage) of the Constitution of the Republic has not been resolved. Lastly, the CONADEH reported that the Ministry of Health prepared a Guide to Health Services Free of Stigma and Discrimination, based on which training options are provided to health and police personnel.²²²

196. The Commission notes positively the willingness of the State to move forward in the implementation of public policies and other actions aimed at strengthening institutions with a view to addressing discrimination and violence against LGBTI persons. In particular, it highlights the progress made in training the staff of the Office of the Special Prosecutor for Crimes against Life. However, it notes that the preparation and approval of the protocol for the investigation of crimes against LGBTI persons is still pending – this instrument would constitute an important step towards the fulfillment of this recommendation. Within the framework of this protocol, it is essential to have a record or systematization of the cases of violence against LGBTI persons that are registered.

197. In this regard, the Commission recalls that access to disaggregated data and statistics is an essential tool for evaluating the effectiveness of measures to prevent, punish and eradicate violence against these groups, as well as for formulating any public policy changes that may be needed to address the phenomenon of prejudice-based violence.²²³ Additionally, the Inter-American Commission notes that same-sex marriage is still prohibited by the Constitution and that an unconstitutionality appeal is pending before the Supreme Court. Lastly, the Commission observes that the measures mandated by the Inter-American Court in its judgment on the case of *Vicky Hernández v. Honduras* are crucial for the follow-up of this recommendation. Based on the foregoing, it requests additional clarifying information to understand the development or implementation status of the measures referred to by the Ministry of Human Rights. Thus, the Commission considers that compliance with this recommendation continues to be **partial**.

²¹⁸ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 17, October 31, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²¹⁹ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 17, October 31, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

²²¹ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its “Situation of human rights in Honduras” report, March 1, 2023.

²²² CONADEH, Official letter No. CC&LE-004-2022 of September 9, 2022. Report on monitoring of recommendations, Honduras.

²²³ IACHR, *Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas*, OEA/Ser.L/V/II. Rev. 2 Doc. 36 (2015), Recommendation No. 1.

198. In order to guide the implementation of this recommendation, the Commission considers it paramount that the compliance measures to be adopted are in line with the two requirements included therein, namely, to refrain from approving regulations that discriminate against or have discriminatory effects on LGBTI persons and, in addition, to adopt measures aimed at the application of the due diligence standard regarding the prevention, investigation, punishment and reparation of violence against LGBTI persons.

▪ **Recommendations regarding the rights of internally displaced persons**

- 27. Develop and implement public policies and a specific law aimed at preventing internal displacement, as well as guaranteeing protection, humanitarian assistance and durable solutions for internally displaced persons, in accordance with the international human rights obligations of the Honduran State and the Guiding Principles on Internal Displacement. Such measures should guarantee the participation of displaced persons and civil society organizations, as well as adequate budgetary resources for their functioning. In addition, ensure that evictions of indigenous communities, peasants and other vulnerable groups are carried out only in accordance with human rights norms and standards and the principles of exceptionality, legality, proportionality and suitability.

199. Regarding the **recommendation to develop and implement public policies and a specific law aimed at preventing internal displacement, as well as guaranteeing protection, humanitarian assistance and durable solutions for internally displaced persons**, during 2022, the State reported that the SEDH was preparing the Bill for the Prevention, Assistance and Protection of Forcibly Displaced Persons as one of the priorities of the first 100 days of administration. It pointed out that the bill is pending before the plenary of the National Congress for discussion and approval. Moreover, it informed that this law would provide for the National System of Response to Forced Displacement, which encompasses 31 state institutions, civil society organizations and international agencies.

200. In its observations to this report, the State also updated the aforementioned information, indicating that the Law for the Prevention, Assistance, and Protection of Forcibly Displaced Persons²²⁴ was approved in late 2022. It indicated that this law aims to prevent internal displacement and to treat, protect, and provide humanitarian assistance to persons or groups of persons who have been forced or obliged to escape or flee from their homes or habitual residences, especially as a result of or in order to avoid the effects of an armed conflict, widespread violence, or human rights violations, and who have not crossed an internationally recognized border between countries. It also indicated that the SEDH is currently coordinating efforts to formulate the regulations for implementation of this law.²²⁵ The Ministry of Human Rights also reported that, through the Directorate for the Protection of Persons Internally Displaced by Violence, it promoted the following measures to prevent forced internal displacement:²²⁶

- Protection and humanitarian aid measures for persons internally displaced by violence, with the support of international collaborators.²²⁷

²²⁴ Legislative Decree 154-2022.

²²⁵ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

²²⁶ Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²²⁷ In this regard, on February 21, 2022, the Ministry of Human Rights reported having addressed 44 cases in 2021 involving 74 people by providing technical, psychosocial and legal assistance on 24 occasions and providing humanitarian aid on 20 occasions, as part of the pilot project on humanitarian assistance and durable solutions (seed funding). Subsequently, on November 4, 2022, it was reported that the "Strengthening the Response of the Directorate for the Protection of Internally Displaced Persons" project, implemented during 2021 and 2022, improved the livelihood of 26 families, who benefited from external cooperation funds from the ICRC and the UNHCR. It was explained that the beneficiaries were granted seed funds for the sale of food, clothing, fruits and vegetables, bakery products, or for setting up a beauty salon or a grocery store, with food sales being the most common. The Ministry reported having allocated 250,000 lempiras as seed funding for a total of 10 undertakings. State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 27, February 21 and November 4, 2022. State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 27, February 21, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

- By February 2022, 212 people – including public officials, members of the civil society and members of international organizations – were reportedly trained on the characterization of internal displacement. Subsequently, 282 people received training from October to December 2021 and from January to September 2022.
- By February 2022, five interagency coordination agreements had been signed with the United Nations High Commissioner for Refugees (UNHCR), the Ministry of Foreign Affairs and International Cooperation (SRECI), the Ministry of Foreign Affairs and International Cooperation (SRECI), the International Committee of the Red Cross (ICRC), and Doctors of the World, plus two agreements with the Ministry of Development and Social Inclusion and Ciudad Mujer, although their contents were not detailed.
- In addition, a pilot guideline for the protection of abandoned property was drafted jointly by the Ministry of Human Rights and the Property Institute in order to ensure a legal safeguard; it is to be integrated into the national program of response to internal displacement in Honduras.
- With regard to assistance to local governments, the Ministry of Human Rights reported to have engaged in technical collaboration with the municipal councils of San Pedro Sula and El Progreso for the design and implementation of their municipal-level emergency humanitarian aid routes. It also indicated that, in 2022, priority was given to strengthening local governments with the highest rates of internal displacement due to violence, including San Pedro Sula, Distrito Central, El Progreso, Choloma, Juticalpa, Choluteca, La Ceiba, Ocotepeque and Comayagua.
- Within the scope of the Agreement with Doctors of the World, on March 9, 2022, a medical brigade was sent to the community of Tierras del Padre to provide comprehensive health services and psychological assistance to children, young persons and the elderly.
- Lastly, the Ministry of Human Rights indicated that, on February 9, 2022, it provided humanitarian aid and prevented the eviction of the Lenca indigenous community in Tierras del Padre, which is composed of over 100 families. In this regard, the Ministry filed a legal opinion with the judiciary to ensure that the eviction order complies with international standards.

201. The Commission takes note of the information provided on other measures aimed at the prevention of and assistance to cases of forced displacement. Notwithstanding the above, the Inter-American Commission notes that, according to the most updated figures from the Internal Displacement Monitoring Center (IDMC), by the end of 2021, a total of 550 new displacements as a consequence of conflict and violence were reported in Honduras. In addition, 260 new disaster-related internal displacements were recorded.²²⁸ The United Nations High Commissioner for Refugees (UNHCR) has underlined that the lack of a registration system to better identify and provide support to the internally displaced population hinders the possibility of measuring the size of this phenomenon. The efforts thereto are further hindered by the failure to adopt the Law on Forced Internal Displacement. Furthermore, characterization studies show that internal displacement is a continuous and chiefly individual phenomenon.²²⁹

202. In its observations to this report, in addition to noting the approval of the aforementioned law, the State considered it important to highlight that the SEDH is working together with the National Statistics Institute to include a specific section on displacement or the risk of displacement in the multiple household surveys, which will serve as a baseline for up-to-date, official data on displacement. The State also noted that the SEDH is coordinating efforts to implement the Sole Registration System for Displaced Persons, by planning

²²⁸ IDMC, *Global Report on Internal Displacement 2022*, May 19, 2022, pp. 162 and 77.

²²⁹ UNHCR, *Honduras - Protection Analysis*, September 2022, p. 9.

training sessions on the technical and programmatic use of the system, which will help compile data on internal displacement through official State sources.²³⁰

203. Regarding the component of the recommendation that requests the State to **guarantee that evictions of indigenous, peasant communities and other groups in vulnerable situations are carried out in observance of human rights norms and standards and the principles of exceptionality, legality, proportionality and suitability**, the IACHR observes that, beyond the information provided regarding the action to prevent the eviction of the Lenca indigenous community Tierras del Padre on February 9, the State did not report additional measures aimed at compliance. For its part, the Commission received information on the violent eviction of the Garífuna community settlement in Punta Gorda, Roatán, on November 7, 2022. This community was resisting giving up their lands. According to the information received, officials from the Office of the Public Prosecutor were present during the eviction, when a large police and military contingent equipped with high-caliber weapons burst in the location with an eviction order. The security forces reportedly proceeded to violently evict the members of the community and set fire to the camp.²³¹ Thus, the CONADEH accused the Honduran State of failing to comply with its international obligation to recognize, delimit, demarcate and grant deeds of the lands that belong to indigenous and Afro-Honduran communities.²³² Likewise, the Ministry of Human Rights prompted the search for concerted, non-criminalizing and non-prosecutorial solutions for human rights defenders. In addition, it called upon the release of the defenders who had been arrested for defending ancestral territory.²³³

204. Based on the recent approval of the Law for the Prevention, Assistance, and Protection of Forcibly Displaced Persons²³⁴ in late 2022, the Commission considers that it is designed to ensure compliance with the recommendation being monitored, given that it is meant to prevent and address internal displacements.²³⁵ Along these lines, considering that the State has adopted some measures to implement this recommendation but that it allegedly still needs to adopt additional measures for full compliance, the Commission considers State compliance with this recommendation to be **partial**.

205. In order to guide the process of implementation of this recommendation, the IACHR considers that it is essential that the State, in addition to reporting on the actions taken in the area of implementation of humanitarian aid and assistance and institutional strengthening, also report information on how they comply with the other components set out in the recommendation, namely: how they constitute durable solutions for internally displaced persons, in accordance with the international human rights obligations assumed by the Honduran State and the Guiding Principles on Internal Displacement; how they guarantee the participation of displaced persons and civil society organizations, and how their sustainability is guaranteed based on resources for their operation. The Commission also invites the State to provide information on implementation of the Law for the Prevention, Assistance, and Protection of Forcibly Displaced Persons and its respective regulations, with a view to analyzing its effectiveness in preventing and addressing internal displacement in the country.

²³⁰ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

²³¹ *La Prensa*, "[Desalojo forzado de garífunas en Punta Gorda, Roatán, provoca repudio internacional](#)," November 8, 2022; *Criterio HN*, "[Garífunas son violentamente desalojados y capturados por policías en Punta Gorda, Roatán](#)," November 7, 2022; *Swissinfo*, "[Comunidad negra de Honduras denuncia 'desalojo forzado' en comunidad caribeña](#)," November 8, 2022.

²³² CONADEH, Honduras, "[Ante el incumplimiento de sentencias por el Estado: Advierten nuevos escenarios de violaciones a los derechos humanos en Honduras](#)," November 14, 2022.

²³³ SEDH, Honduras, "[Pronunciamiento Ante el desalojo realizado hoy en la comunidad garífuna de Punta Gorda](#)," November 7, 2022.

²³⁴ Legislative Decree 154-2022.

²³⁵ State of Honduras, Note 010/MHOEA/2023, Factual observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Honduras" report, March 1, 2023.

- **Recommendations regarding migrants, persons in need of international protection and returnees**

- 28. Adopt a public policy that aims at guaranteeing an effective, human rights-centered reintegration process for returnee migrants, especially those in vulnerable situations and/or with a particular need for protection, such as children, victims of human trafficking, people with disabilities, LGTBI persons and people with medical needs. In addition, the State should implement measures for the search for and identification of missing migrants.

206. In relation to the **recommendation to adopt a public policy aimed at ensuring an effective and human rights focused reintegration of returning migrants**, the State informed that, as of September 2022, 72,111 Hondurans had returned to their country, surpassing the figure of 52,968 returnees in 2021. The Ministry of Foreign Affairs and International Cooperation also underlined that it is working with the IOM to review the country's migration policy as one of the priorities of the incumbent administration for 2022-2026, and that an analysis of its fiscal impact is underway. In addition, it reported that the Migration Governance Profile, the Global Compact for Migration and a project on remittances are also under review.²³⁶

207. Moreover, the Ministry of Foreign Affairs and International Cooperation referred to several measures adopted to manage migration. It informed on the first National Migration Profile implemented in 2020 and pointed out that the objectives of the Migration Governance Profile are to serve as a roadmap for the revision, strengthening and design of new policies, and as an instrument for monitoring SDG indicators. Furthermore, the following achievements were reported:²³⁷

- Within the framework of the Agreement on Missing Migrants and Unidentified Bodies, supported by the Argentine Forensic Anthropology Team, 1,399 genetic profiles were entered into the forensic data bank of missing migrants from 2011 to August 31, 2021.
- Implementation of the Law for the Protection of Honduran Migrants and their Families.
- Approval and disbursement of the Honduran Migrant Solidarity Fund (FOSMIH) to assist migrants and returnees.
- Maintenance of the three Returnee Assistance Centers (CAMRs) and reconstruction of the CAMR-SPS – which had been destroyed by hurricanes Eta and Iota – with international support.
- Repatriation of 27 bodies of Hondurans who died abroad.
- Execution of the project “Yo emprendo en mi tierra con SENPRENDE” which benefited 200 nationals, carried out jointly by the Organization of American States (OAS) and the SENPRENDE.
- First inter-agency committee to follow up on the Global Compact for Migration.
- Spaces for the participation of the diaspora located in Spain and the United States of America, so they can voice their needs and learn about the new lines of work in the area of migration.
- Various intergovernmental and cross-sectoral strategic actions.²³⁸

²³⁶ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 28, February 21 and November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²³⁷ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 28, February 21 and November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²³⁸ Within these actions, the State referred to the following: creating a protocol for missing migrants; creating mechanisms for the assistance of vulnerable populations; implementing measures to organize the diaspora; restructuring UMARs; restructuring repatriation processes; and taking office of the *pro tempore* presidency of the Comprehensive Regional Protection and Solutions Framework (MIRPS) in 2022, during which the State expanded the national team to 14 government institutions, included civil society organizations and made progress in providing assistance to refugees, applicants for refugee status (asylum seekers), returnees in need of

- In addition, the Ministry of Foreign Affairs and International Cooperation reported that it is currently drafting reinsertion projects within the framework of the National Council for the Protection of Honduran Migrants (CONAPROHM), preparing an integration system and planning the restructuring of the municipal units of assistance to returnees (UMARs).²³⁹

208. Regarding the search for missing migrants, the SRECI informed that the Protocol for the Search of Missing Hondurans in Mexico is in force and that, in addition, the Ministry has an *ante mortem* data collection system. It also pointed out that investigative technologies were implemented to search for and locate missing persons. In addition, it informed that the General Directorate for the Protection of Honduran Migrants and the Consular Network updated the files of Honduran migrants reported missing, with the support of the Committee of Relatives of Missing Migrants of El Progreso (COFAMIPRO). Moreover, with support from the International Committee of the Red Cross (ICRC), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the civil society, the State reportedly prepared the Information Guide for Relatives of Missing Migrants, issued in February 2020; and by 2020, four committees to search for missing migrants had been set up. In addition, the State indicated that the Roundtable on Missing Migrants had a single homologated sheet to collect data on missing migrants in view of the Inter-institutional Cooperation Agreement for the Creation of Information Exchange Mechanisms on Missing Migrants and Unidentified Bodies. Lastly, it reported that, according to records of the National Directorate for Children, Adolescents and Families (DINAF), in 2021, 93 international searches were carried out for children and adolescents, most of whom may have migrated to the United States through unofficial channels, in an irregular manner or may have been abducted by family members.²⁴⁰

209. In addition, the Ministry of Foreign Affairs and International Cooperation reported on the creation of the Homologated Search Protocol, which would seek to set up a unified database with input from the civil society and the Committees of Relatives of Missing Migrants, as well as with the support of the International Committee of the Red Cross, and in line with international standards on the subject. Moreover, it informed that a Unit to Search for Missing Migrants would be created within the Ministry of Foreign Affairs and International Cooperation to manage cases of persons requiring protection with a humanitarian approach, psychosocial care and empathy, and that an open and transparent communication channel would be maintained with the relatives of missing migrants. The Ministry of Foreign Affairs and International Cooperation also indicated that the Office of the Public Prosecutor submitted a bill to create a forensic genetics laboratory for criminal investigation purposes.²⁴¹

210. Furthermore, the National Institute of Migration stated that it guarantees humanitarian aid, and the identification of international protection needs for vulnerable populations such as women, children, LGBTIQ persons and the elderly.²⁴² In turn, the National Directorate for Children, Adolescents and Families affirmed that it received 150 reports of children and adolescents abducted by their parents in an irregular manner for whom the yellow migration alert was active. It also indicated that it is working with the Office of the Public Prosecutor of Guatemala to activate Alba-Keneth alerts, as well as alerts for Honduran children and adolescents reported missing who are presumed to have crossed the border. Moreover, it noted that, in coordination with the CICESCT, it addressed 78 cases of children and adolescents who were victims of human trafficking and that it launched a pilot version of the Subsystem for the Protection of Children and Adolescents

protection, Hondurans abroad and internally displaced persons. State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 28, November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²³⁹ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 28, February 21 and November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁴⁰ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 28, February 21 and November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁴¹ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 28, February 21 and November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁴² State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 28, November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

in Honduras. It also indicated that the aim of this procedure is to improve protection services for 2,000 children covered by the system.²⁴³

211. Likewise, the Ministry of Social Development stated that it joined efforts with the National Council for the Protection of Migrants (CONAPROM) to guarantee the protection of returnees and achieve a significant reduction in irregular migration. It also referred to the set-up of the Intersectoral Technical Commission, whose purpose is to link the institutions related to migrant assistance, and to the coordination of the Commission for Reinsertion and Entrepreneurship, which establishes legal frameworks and protocols to ensure economic assistance for returned migrants. Lastly, it pointed out that actions were implemented as ordered by the National Council for the Protection of Migrants.²⁴⁴

212. The CONADEH learned of an increase in mixed migration flows. In this regard, it noted that, according to the Consular and Migration Observatory of Honduras, 52,968 returnees were registered in 2021, mostly from Mexico and the United States, while there was an increase in the entry of migrants in transit, especially in the municipality of Trojes. In addition, it indicated that, during 2022, no policies were implemented in this area and responsibilities were not clearly assigned, which hampered institutional coordination.²⁴⁵

213. In turn, civil society organizations highlighted the need to monitor the strategy for strengthening and improving the quality of life of the relatives of missing migrants led by the National Forum for Migration (FONAMIH) and expressed their concern over the increase in the number of children returned to Honduras.²⁴⁶

214. In light of the information received, the Inter-American Commission notes that the National Migration Policy is still under review and, therefore, it urges the State to provide information on the steps taken for its approval. While awaiting such information, the Commission considers that the status of compliance with this recommendation continues to be **partial**.

215. In order to guide the follow-up of this recommendation, the Inter-American Commission considers it appropriate to urge the State to approve the National Migration Policy, while making sure that it aims at guaranteeing an effective, human rights-centered reintegration process for returnee migrants, especially those in vulnerable situations and/or with a particular need for protection, such as children, victims of human trafficking, persons with disabilities, LGTBI persons and people with medical needs. Additionally, the Commission considers that the implementation of this recommendation could be enriched by the adoption of measures for the search and identification of missing migrants.

- **Recommendations regarding persons deprived of their liberty**
 - 21. Adopt judicial, legislative, administrative and other measures required for the application of pretrial detention in accordance with international standards. The State should promote, regulate and implement alternative measures to pretrial detention; and should repeal the provisions requiring a mandatory application of pretrial detention based on the type of crime, in particular Article 184 of the Code of Criminal Procedure. In addition, the Inter-American

²⁴³ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 28, November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁴⁴ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 28, November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁴⁵ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 28, November 4, 2022. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁴⁶ Report by COIPRODEN, institutions network. Citation: <https://criterio.hn/ninez-migrante-de-honduras-un-problema-en-ascenso-cuya-solucion-es-compartida-con-ee-uu/>

Commission urges the State to take action to efficiently implement existing initiatives that provide for the application of release benefits.

- 22. Ensure the right to regular visits. In particular, reform Article 10 of the regulations on visits to establishments of the National Penitentiary System, in order to provide only for the compliance with those essential requirements to guarantee the security inside penitentiary centers, and that these requirements do not represent a disproportionate expense for people in a situation of poverty or with scarce resources.
- 23. Use solitary confinement on an exceptional basis, based on an individualized risk assessment, limited to the shortest possible time, and as a last resort. In this regard, the State should amend Decree No. 101/2015 (Labor Act for Persons Deprived of Liberty and Permanence for Highly Dangerous and Aggressive Inmates) to bring it into line with international standards, especially with regard to the duration of the isolation and its review.

216. Regarding the **recommendation to adopt judicial, legislative, administrative and other measures required for the application of pretrial detention in accordance with international standards; to promote, regulate and implement alternative measures to pretrial detention; to repeal the provisions requiring a mandatory application of pretrial detention based on the type of crime, in particular Article 184 of the Code of Criminal Procedure; and to take action to efficiently implement existing initiatives that provide for the application of release benefits**, the State reported that, in the context of the Covid-19 pandemic, the judiciary adopted measures to prevent the spread of the virus, such as reviewing cases to reduce the population at penitentiary centers, which involved the coordinated work of judges, prosecutors and human rights defenders. The State also noted that it continues to implement the Prison Decongestion Plan through which, during the pandemic, from January to September 2021, 2,403 benefits were granted to persons deprived of liberty, which included parole, and, to a lesser extent, commutation of sentences, sentences considered as served, review of court decisions and release of persons with terminal diseases.²⁴⁷

217. In turn, the National Penitentiary Institute (INP) reported that, by means of the Prison Decongestion Plan following Covid-19, it continues to significantly reduce overcrowding in prisons nationwide, with 1,341 people benefiting from the plan. Additionally, the National Institute for Juvenile Offenders reported that, under the Prison Decongestion Plan following Covid-19, 1,310 men and 150 women became beneficiaries of pretrial detention. Likewise, the INP indicated that the reforms of criminal procedural laws and the laws related to pre-release in the context of family matters favored the reduction of prison overcrowding, since they led to resolutions in favor of social reinsertion and the creation of behavioral records submitted before judges. Moreover, the National Penitentiary Institute reported that, by means of the Prison Decongestion Plan following Covid-19, it continues to significantly reduce overcrowding in prisons nationwide, with 1,341 people benefiting from the plan. It also indicated that, as of September 2022, there were 19,770 persons deprived of their liberty and an overpopulation of 3,787 persons on record.²⁴⁸ The Commission positively notes a decrease in prison population as compared to 2021, when the record of persons deprived of their liberty amounted to 21,675.²⁴⁹

218. In addition, the SEDH reported that it carried out a legal analysis of the control of conventionality with regard to pretrial detention as a precautionary measure, according to which the Procedural Criminal Code is not in line with international human rights standards with respect to persons being prosecuted and deprived of liberty. It also mentioned that, in order to propose alternatives for the improvement of the penitentiary system, the National Committee on Prevention of Torture and Other Cruel,

²⁴⁷ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 21, February 18. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁴⁸ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 21, November 3. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁴⁹ IACHR, 2021 Annual Report, [Chapter IV.A, Development of Human Rights in the Region](#), para. 664.

Inhuman or Degrading Treatment presented two initiatives before the National Congress regarding the regulation of pardons, commutations and reductions in prison sentences.²⁵⁰

219. The Inter-American Commission notes that the State has adopted various measures aimed at reducing the use of pretrial detention. However, it observes that further measures still need to be adopted to guarantee the application of pretrial detention in accordance with international standards and to promote the application of alternative measures. Regarding the amendment of Article 184 of the Code of Criminal Procedure, the Commission reiterates that this norm maintains the mandatory application of pretrial detention in cases involving drug trafficking, specific types of rape, arms trade and crimes related to criminal groups known as *maras* or gangs.²⁵¹ Until these challenges are overcome, the Commission considers that the level of compliance of this recommendation continues to be **substantial partial**.

220. In order to guide the process of implementation of this recommendation, the Inter-American Commission calls on the State to adopt measures aimed at removing the mandatory application of pretrial detention to specific crimes. Also, the Commission notes that, during 2022, the State provided general information on persons deprived of their liberty, but it did not offer details on the situation of persons held in pretrial detention nor on the application of specific alternative measures to this type of imprisonment. Therefore, it requests the State to provide specific information to evaluate the progress achieved in the application of pretrial detention and in the implementation of measures aimed at its reduction.

221. With respect to the **recommendation to ensure the right to regular visits, in particular, to reform Article 10 of the regulations on visits to establishments of the National Penitentiary System**, the State indicated that it is necessary to update the guidelines for visits to penitentiaries. Furthermore, the National Penitentiary Institute indicated that the proposal for the amendment of Article 10 of the regulations on visits of the National Penitentiary System Law was submitted to the National Congress after a meeting held on April 6, 2022, with the civil society, relatives of persons deprived of liberty, the CONADEH, the National Committee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment, deputies of the National Congress and the Ministry of Social Development. It indicated that the proposal is in the final phase of review and approval by the legislative branch. In addition, this Institute pointed out that, in compliance with the National Penitentiary System Law, the measures to guarantee visits on a regular basis are the following:²⁵²

- Pursuant to Article 257 of the Provisions of the General Budget of Revenues and Expenditures of the Republic for Fiscal Year 2021, the costs for the issuance of visitor cards are exempted.
- The National Penitentiary Institute, together with the judiciary and the Directorate of Police Investigation, agreed to provide free criminal and police records in order to reduce the costs of the documents required to obtain the visitor card.
- The period of validity of the visitor card was extended to allow more time to obtain the documents required for visits.
- On the issuance of visitor cards, the Institute reported the following:
- It promoted the Protocol for Family Visits to Persons Deprived of Liberty, which was authorized by the National Risk Management System (SINAGER) for its implementation in penitentiaries.
- Moreover, a pilot program to resume visits after the Covid-19 pandemic is being implemented, in coordination with the SINAGER and the Ministry of Health.

²⁵⁰ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 21, November 3. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

²⁵¹ IACHR, *2020 Annual Report* and *2021 Annual Report, Chapter V, Honduras*, paras. 202 and 199, respectively. Also see: Official Gazette of the Republic of Honduras, *Legislative Branch, Decree No. 36-2020*, June 10, 2020, Article 1.

²⁵² State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 22, November 3. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

222. Based on the information provided by the State, the Commission considers that additional measures are still necessary to ensure regular visits in penitentiaries. The Inter-American Commission also notes that the legislative branch is currently reviewing the proposal to amend Article 10 of the regulations on visits, and therefore urges the State to report specific information on this process of approval. Meanwhile, the Inter-American Commission considers that the status of compliance with this recommendation continues to be **partial**.

223. In order to guide the follow-up of this recommendation, the Inter-American Commission indicates that progress in its level of compliance is related to the amendment of Article 10 of the regulations on visits to the National Penitentiary System centers. In this regard, the Commission will appreciate that the State send information on the progress made in the amendment proposal under review.

224. As for the **recommendation to use solitary confinement on an exceptional basis and to reform Decree No. 101/2015 (Law on Work for Persons Deprived of Liberty and Permanence for Highly Dangerous and Aggressive Inmates)**, the INP reported that solitary confinement in cells is imposed for serious disciplinary offenses in accordance with the rules of procedure of the disciplinary regime and the Penitentiary System Law. According to these rules, inmates are guaranteed the right to be informed of the offense or crime of which they are accused and the right to be heard. In June 2022, a multidisciplinary technical team was assembled to evaluate the inmates held at the maximum-security wing of the Támara Penitentiary, so as to determine their time in confinement, their health situation and their subsequent transfer to another prison center. Lastly, the Institute pointed out that it hopes to achieve the amendment of Decree No. 101/2015 (Law on Labor for Persons Deprived of Their Liberty and Permanence for Highly Dangerous and Aggressive Inmates) to bring it in line with international standards.²⁵³

225. The Inter-American Commission takes note of the information provided by the State. However, it observes that no action has yet been taken to modify Decree No. 101/2015 (Labor Act for Persons Deprived of Liberty and Permanence for Highly Dangerous and Aggressive Inmates) to ensure that it is in line with international standards, especially with regard to the duration of confinement and the review required thereof. Based on the fact that this reform is still to be done and that information on the progress thereof has not been provided, the Commission considers that this recommendation is still **pending compliance**.

III. CONCLUSIONS

226. The Commission reiterates to the State of Honduras the importance of giving effective compliance to the recommendations issued in its 2019 country report. In the follow-up carried out through the instant report, the Commission has identified some progress in terms of compliance and has also highlighted the importance of continuing to overcome structural challenges to ensure the full exercise of human rights in the country.

227. In particular, the Commission values positively the full compliance with Recommendation No. 8, which requested the revision of the Law on the Classification of Public Documents Related to National Security and Defense. In this regard, the Commission received information according to which this law was repealed by Decree No. 12-2022. The Inter-American Commission also observed some steps forward regarding the progressive detachment of the armed forces from penitentiary functions. In addition, it values the efforts that the State is making to increase the budgetary capacity of the health system, and it has noted that the State continues to report measures to build a fiscal policy aimed at eradicating poverty or extreme poverty. Despite these efforts, the Commission urges the State to continue to address the structural and historical challenges

²⁵³ State of Honduras, Follow-up report published at the Inter-American SIMORE, Recommendation No. 23, November 3. Available at: [Inter-American SIMORE, Country Reports, Honduras](#).

that remain in both areas. The Commission also appreciates the willingness of the State to maintain actions to protect the rights of women, LGBTI persons and children, as well as the measures adopted for the care of internally displaced persons, and therefore the Commission encourages it to complete and start implementing national policies and protection measures in their favor.

228. However, the Commission still pinpoints specific challenges to enforce the protection of social protest and to investigate and duly judge acts of violence, murders and ill treatment following the 2017 post-election protests. Likewise, it considers that it is still necessary to adopt measures aimed at the progressive relief of the armed forces from citizen security tasks. In addition, it notes it is of the utmost importance that the State move forward in the development of plans for an effective access to justice, and it points to the need for the State to effectively incorporate a human rights perspective in the fight against corruption.

229. The Commission has further observed that various population groups continue to be in a particularly vulnerable situation. Of particular concern is the unceasing violence against women, LGBTI persons, journalists and human rights defenders in Honduras. The Inter-American Commission finds it especially alarming that criminal law is being misused as a means of hindering the work of human rights defenders, especially of those who defend the environment and their territories. Violence against women is another issue of particular concern, as are the high rates of impunity for these crimes. Land conflicts in indigenous and Afro-Honduran communities also continue to be a major challenge. The Commission is equally concerned about the situation of persons deprived of their liberty, as well as about the adoption of measures to reduce the use of pretrial detention in the country.

230. As noted in its country report, the Inter-American Commission reiterates that, in order for human rights to be fully enjoyed, it is paramount for Honduras to continue making progress in strengthening democratic institutions to guarantee checks and balances, with the separation and coordination of the three branches of government, and to reinforce the Rule of Law. In this outlook, it is crucial that citizens regain trust in state institutions. In turn, the State must ensure a real and effective transformation for the eradication of poverty, exclusion and structural inequality, which persist in the country and have an impact on the exercise and enjoyment of human rights, especially for groups at particular risk. This requires the adoption of effective measures in line with applicable international standards.

231. The Commission reaffirms its commitment to collaborating with the State of Honduras in the search for solutions to the problems identified herein, and in the implementation of the recommendations of the instant report, formulated in a constructive and cooperative spirit. The Commission is at the disposal of the State to collaborate in following up on compliance with the recommendations of the report, so as to ensure the effective enjoyment of the human rights of all persons under its jurisdiction.