

## EXECUTIVE SUMMARY

### CIVIL SOCIETY INPUT FOR THE UNIVERSAL PERIODIC REVIEW, HONDURAS

This report from the civil society has been drawn up and presented by the Universal Periodic Review Platform of Honduras, made up of the organizations listed below. For further information, please contact: [Epuplataformahonduras@gmail.com](mailto:Epuplataformahonduras@gmail.com)

#### BACKGROUND

Representatives of the Honduras government appeared before the Universal Periodic Review Working Group on November 4, 2010, at which time the group made 129 recommendations that were all accepted. Later, on March 18, 2013, Honduras presented its “Midterm Report,” which was not developed in coordination with civil society organizations.

The second review of Honduras was conducted the following May 8, and, as previously agreed, focuses on the implementation of the recommendations accepted during the first review and on the development of the human rights situation in Honduras. To date, the Honduras government has not presented its final report, which should have been turned in by February 2 at the latest.

#### PRIMARY CONCERNS REGARDING THE HUMAN RIGHTS SITUATION IN HONDURAS

Since the first Universal Periodic Review in 2011, the human rights situation in Honduras has worsened; impunity and violence govern, control and threaten the entire society.<sup>1</sup>

Honduras continues to suffer high levels of criminality and impunity, and the homicide rate continues to be the highest in the world. At the same time, the performance of institutions responsible for providing security continues to be largely ineffective. These institutions have been accused of corruption and abuse any number of times, yet there has been no significant progress in efforts to reform them.<sup>2</sup>

##### I. ACCESS TO JUSTICE AND IMPUNITY

A continuous increase in the levels of criminality and insecurity, together with the involvement of members of the police force in shocking murders, prompted the society to demand a reorganization and purge of the National Police, Public Prosecutor’s Office and Judicial Branch of government. Nevertheless, even when new institutions with investigatory powers have been created, the situation of insecurity and level of impunity continue to be overwhelming.

**RECOMMENDATION:** *Foster truly effective processes of supervision and disciplinary control of criminal justice institutions with the aim of reducing existing levels of impunity.*

<sup>1</sup> MORENO, Ismael. “¿Por qué la violencia en Honduras?” En *Revista Envío-Honduras*. Año 10. Nº 34. ERIC-SJ. Tegucigalpa. Junio 2012.

<sup>2</sup> Human Rights Watch. *World Report 2015. Events of 2014*. Human Rights Watch. New York. 2015, pp. 271-276.

## II. INSTITUTIONAL WEAKNESS

Institutional reforms were implemented that represent reverses in the protection of human rights defenders in different sectors: The ministries of Justice, Human Rights and Indigenous and Afro-Honduran Peoples were downgraded to deputy ministries or departments, resulting in budget cuts and a loss of autonomy and independence in their functions. The same thing happened with the National Women's Institute (NWI) and the Honduran Childhood and Family Institute, whose budget for 2015 was reduced by 70%. The Police Department's hotline for denouncing violence against women was eliminated; the Crimes against Women's Lives Unit was transferred to the Prosecutor's Office of Crimes against Life; and the number of prosecuting attorneys assigned to the Office was reduced from five to three.

**RECOMMENDATION:** *Strengthen institutional solutions for the protection, defense and promotion of human rights, especially those related to the most vulnerable population.*

The November 2013 elections were characterized by the absence of independence and autonomy in electoral institutions. The Supreme Electoral Tribunal (TSE), which only partially functioned, was controlled by the two traditional political parties.

**RECOMMENDATION:** *Reform the election law to assure equitable representation of all political forces in electoral institutions, as well as the effective inclusion of quotas for the political participation of traditionally marginalized segments of the society.*

## III. FREEDOM OF EXPRESSION

According to records of the Committee for Free Expression, between November 2010 and September 2014, a total of 28 journalists, social communicators and communications workers were killed; of these, only seven cases have been prosecuted and four offenders definitively sentenced. At the same time, the National Telecommunications Commission approved rules and regulations for community radios that limit their free operation and prohibit their criticism and debate of public problems. Of the 160 new frequencies that came from rechanneling the radio electromagnetic spectrum, only 20 were assigned to communities and social organizations.

**RECOMMENDATION:** *Investigate and sanction murders related to the exercise of freedom of expression through journalism; reform the Telecommunications Law with the aim of granting equal access to the radio electromagnetic spectrum.*

## IV. ACCESS TO PUBLIC INFORMATION

A law was passed regulating the Classification of Public Documents pertaining to Security and National Defense,<sup>3</sup> which (a) classifies information under categories of reserved, confidential, secret and ultra secret; (b) imposes sanctions for divulging classified information; (c) limits the functions of the Institute for Access to Public Information; and (d) grants discretionary powers to certain officials to

<sup>3</sup> Decreto Ley No. 418-2013 publicado en el Diario Oficial "La Gaceta" el 7 de marzo de 2013 (Law published in *La Gaceta*, March 7, 2013).

keep information secret for a period of 20 years, subject to extension. Local governments do not have a transparency program or accountability mechanisms.

**RECOMMENDATION:** *Revoke all legal provisions or regulations that impede free, transparent and effective access to public information and guarantee that local governments implement transparency and accountability programs.*

#### **V. THE RIGHT TO PREVIOUS CONSULTATION FOR INDIGENOUS COMMUNITIES AND PEOPLES**

The original peoples have not been consulted regarding mining and hydroelectric projects that are now being operated or slated for operation in their territories and which represent a risk to their physical and cultural survival. Their opposition to such projects has resulted in acts of criminalization and repression against them. At the same time, the Office of the Special Prosecutor for Ethnic Groups only handles accusations presented in the city of Tegucigalpa, which results in obstacles to access to justice for indigenous people and makes justice costly.

**RECOMMENDATION:** *Approve a national policy for the protection and promotion of the rights of original peoples in keeping with Convention 169; halt evictions and persecution of leadership; and establish offices of the Special Prosecutor for Ethnic Groups in cities near their territories.*

#### **VI. JUDICIAL INDEPENDENCE**

THE Judiciary Council and the Judicial Career are engaged in a “judicial purge” that poses a threat to due process and the principle of legality. Instead of implementing a transparent mechanism for pursuing a judicial career based on merit, continue the practice of non-competitive appointments based on political recommendations or affinity.

**RECOMMENDATION:** *Foster transparent, impartial selection processes for the appointment and promotion of male and female judges in order to avoid the influence of political parties; enact a regulatory framework for disciplinary processes.*

#### **VII. MILITARIZATION OF PUBLIC SECURITY**

Measures have been adopted that infringe upon the demand for citizen security matters to be handled under the exclusive jurisdiction of duly organized and trained civilian police forces. Security policies adopted have resulted in the strengthening of the Armed Forces and the arbitrary utilization of State intelligence agencies and criminal prosecution.

**RECOMMENDATION:** *Comply with the recommendations of the IACHR and the Truth and Reconciliation Commission with the understanding that security strategies must encourage prevention and be implemented by civilian police forces instead of military forces.*

#### **VIII. PRISON CONDITIONS**

The situation in the nation’s prisons continues to be terrible, due mainly to overcrowding and the lack of sufficient budget allocations to attend to the basic needs of the population deprived of their freedom. A total of 11,727 prisoners are housed in facilities constructed for 8,120 persons; this

situation is aggravated by the expansion of the list of offenses for which alternatives to incarceration, such as probation, are not permitted.

**RECOMMENDATION:** *Implement the recommendations approved in Chapter IV of the Inter-American Commission on Human Rights (IACHR) Report on the Situation of Persons Deprived of Freedom in Honduras, March, 2013; repeal Article 184 of the Code of Criminal Procedure.*

#### IX. WOMEN'S HUMAN RIGHTS

Between 2005 and 2013 there was a 263.4% increase in the number of femicides. Although this offense was included in the Penal Code in February of 2014, as of now the Public Prosecutor has presented only five prosecutorial requirements and dictated only one sentence for femicide.<sup>4</sup> Calculations reveal that the rate of impunity is 95% for femicide and sexual violence. On the other hand, in only six years, the number of reports of disappeared women rose from 91 in 2008 to 347 in 2013, an increase of 281%.<sup>5</sup>

**RECOMMENDATION:** *Take effective measures to guarantee women a life free of violence and discrimination; investigate and sanction those responsible for all kinds of violence against girls and women; and vigorously approve the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).*

Emergency contraceptives, or “morning after” pills, continue to be banned and the bill introduced to legalize their use has been shelved by Congress. The Executive Branch also refuses to authorize their use although it does have the authority to do so.

**RECOMMENDATION:** *Permit the free distribution and sale of emergency contraceptives and include the subject of sex education in all education centers throughout the country.*

#### X. POVERTY, UNEMPLOYMENT, AND ECONOMIC, CULTURAL AND SOCIAL RIGHTS

The implementation of legal reforms and measures based on hourly employment, including programs such as “*Chamba ahora*” (Jobs Now), and the adoption of Employment and Economic Development Zones (Spanish: ZEDES) represent a deterioration of workers’ rights. Between 2010 and 2012 invisible underemployment rose from 32.6% to 43.6%, and visible underemployment rose from 7.7% to 10.5%. Workers in assembly plants (*maquiladoras*) receive a minimum wage lower than that received by the rest of the population, 28% lower in urban areas and 51% in rural areas.

On melon plantations and shrimp farms, women workers are exposed to long, intense workdays and subjected to sexual harassment while being transported to work in trucks next to men in the early morning hour. They are also deprived of protective equipment against pesticides and chemicals.<sup>6</sup>

<sup>4</sup> CEDIJ, resolution 2014, file 1041-2013, trial initially based on charges of attempted murder and illegal possession of arms, but in 2014 charges were changed to femicide and illegal possession of arms. Information, CEM-H

<sup>5</sup> *Situación de las Violencias en Honduras*. Report on Violence against Women in Honduras, presented by feminist organizations to the United Nations Special Rapporteur on in her visit to Honduras from July 1 to 8, 2014.

<sup>6</sup> Equipo de Monitoreo Independiente de Honduras. *Sondeo sobre condiciones de trabajo en plantaciones de melón y camarón, 2013*. Survey by independent monitors of labor conditions on watermelon plantations and shrimp farms.

Household workers are subjected to precarious, invisible conditions; according to Casa Alianza, 20 thousand girls face domestic labor exploitation and abuse.

**RECOMMENDATION:** *Take urgent steps to guarantee the existence of effective national and international mechanisms for monitoring employment conditions and workers' rights; ratify Convention 189 and ILO recommendations 200 and 201.*

#### **XI. VIOLATIONS OF THE RIGHTS OF THE LGTBI COMMUNITY**

From 2009 to 2014, a total of 168 hate crimes have been committed against the LGTBI community. Of the five LGTBI persons executed in Central America, three are from Honduras.<sup>7</sup> Existing police practices include threats; arbitrary arrests; harassment; sexual abuse; discrimination; torture; and cruel, inhuman or degrading treatment.<sup>8</sup> According to the Ombudsman more than 92% of all hate crimes go unpunished.<sup>9</sup>

**RECOMMENDATION:** *Foster serious, effective investigations aimed at sanctioning those responsible for hate crimes; typify them as offenses; and pass the Gender Identity Law that is now the subject of a consensus process in Congress.*

#### **XII. PERSECUTION, CRIMINALIZATION AND INTIMIDATION OF HUMAN RIGHTS DEFENDERS**

Passage of the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators is stalled in Congress. Concerns have been voiced over the lack of a distinction between preventive and reactive measures and only a minimal development of indispensable preventive measures to assure protection.

**RECOMMENDATION:** *Pass the Law for the Protection of Human Rights Defenders with a previous transparent dialogue and consensus reached with affected persons; said law will necessarily deal with criminalization as a threat to the exercise of the right to defend human rights defenders.*

#### **XIII. REFORM OF THE SPECIAL LAW ON HIV/AIDS**

The law must contemplate a strategy for the reduction of stigma and discrimination, as well as a policy for the prevention of HIV in the workplace, thereby assuring the implementation of recommendation 200 of the ILO.<sup>10</sup> The current law lacks a rights focus and leaves out a gender perspective in its overall approach.

<sup>7</sup> For further information, see: <http://www.sentidog.com/lat/2014/08/el-salvador-guatemala-y-honduras-los-mas-peligrosos-para-los-lgbt.html>

<sup>8</sup> In July, 2012 LGTBI activist Donny Reyes was threatened outside his house. Claudia Spellmant was threatened at her workplace and was consequently forced to leave the country.

<sup>9</sup> See human rights report of National Human Rights Commission: *Informe anual del Comisionado Nacional de los Derechos Humanos sobre el estado general de los derechos humanos en Honduras y el desempeño de sus funciones. Año 2012*. CONADEH. Tegucigalpa, 2013, p. 168. Also see investigation of hate crimes: BROWN, David. *Investigación sobre crímenes de odio contra las personas LGTB en Honduras 2005-2009*. Asociación Arcoíris y CIPRODEH. Tegucigalpa. Noviembre 2009.

<sup>10</sup> Recommendation 200 HIV/AIDs and the World of Work, ILO.

**RECOMMENDATION:** *Reform the Special Law on HIV/AIDS, incorporating features presented by the civil society to make it an effective instrument against discrimination that favors the full exercise of rights by persons living with HIV/AIDS.*

#### **XIV. MIGRATION**

Inequality; a lack of economic, social and cultural opportunities; poverty; insecurity; and corruption are some of the factors leading to the forced migration of persons. In 2013, Congress approved the Law for the Protection of Honduran Migrants and their Family Members.

**RECOMMENDATION:** *Deal with the underlying issues that produce forced migration; offer solutions to the phenomenon with the aim of creating common policies centered on the protection of the human rights of the migrant population; and urgently push for the adoption of a national policy for attending to migrants..*

#### **XV. CHILDHOOD: SITUATION AND RIGHTS**

From January to December of 2014, 1,031 cases were registered of murders and arbitrary executions of boys, girls and young people below the age of 23, a total of 21 more cases than in 2013. A million children and youth do not attend school and half a million are being exploited on the job. Thousands of girls, boys, adolescents and young people between the ages of 5 and 23 are being trained on the military bases of the Armed Forces in the program entitled “Guardians of the Homeland.”

**RECOMMENDATION:** *Pressure the State to guarantee true processes of arriving at a consensus and agreements with the organized civil society regarding childhood in an effort to attain comprehensive protection.*

#### **XVI. OPEN OFFICE OF THE HIGH COMMISSIONER OF HUMAN RIGHTS**

The establishment of a permanent Office of the High Commissioner of Human Rights of the United Nations (**OHCHR-UN**) is feasible by April 2015.

**RECOMMENDATION:** *Guarantee that the OHCHR-UN is able to do its work thoroughly, objectively, impartially and in close cooperation with segments of the civil society, encouraging the development of skills through opportune information and technical assistance, and seeking openings in communication channels and transparent dialogue with different State institutions and agencies.*

**DOCUMENT PREPARED FOR THE UNIVERSAL PERIODIC REVIEW PLATFORM OF HONDURAS** in which the following organizations participated: ALTERNATIVAS Y OPORTUNIDADES – Asociación Danesa de Personas con Discapacidad ADD - - Asociación de Mujeres Intibucanas Renovadas AMIR - Asociación Nacional para el Fomento de la Agricultura Ecológica ANAFAE – Asociadas por lo Justo (JASS)-Centro de Educación y Prevención en Salud, Sexualidad y Sida CEPRES -CEHPRODEC - Centro de Estudio para la Democracia CESPAD - Coordinación de Instituciones Privadas por las niñas, niños, adolescentes, jóvenes y sus derechos COIPRODEN - Centro para la Prevención, Tratamiento y Rehabilitación de Víctimas de la Tortura y sus Familiares CPTRT - Espacio Regional de Occidente EROC - Federación de Tribus Indígenas de Honduras FETRIPH - FIAN HONDURAS - Foro Nacional para las Migraciones FONAMIH - Justicia, Paz e Integridad de la Creación JPIC FRANCISCANOS - Movimiento Unificado de Campesinos del Aguán MUCA - Observatorio Permanente de Derechos Humanos de El Aguán - PBI Equipo Honduras - PEN HONDURAS - PROYECTO VIH RURAL -RED BALANCE - Red Centroamericana de Personas Viviendo con VIH REDCA; y además la COALICIÓN CONTRA LA IMPUNIDAD Integrada por las siguientes organizaciones: Asociación LGTB Arcoíris de Honduras; Asociación de Jueces por la Democracia (AJD); Asociación Intermunicipal de Desarrollo y Vigilancia Social de Honduras (AIDEVISH); Asociación Nacional de Personas viviendo con SIDA (ASONAPVSIDA); CARITAS – Diócesis de San Pedro Sula; Centro de Derechos de Mujeres (CDM); Centro de Estudios de la Mujer Honduras (CEM-H); Centro de Investigación y Promoción de Derechos Humanos (CIPRODEH); Colectivo Gemas; Colectivo Unidad Color Rosa; Comité de Familiares de Detenidos Desaparecidos de Honduras (COFADEH); Comité por la Libre Expresión C-Libre; Comunidad Gay Sampedrana para la Salud Integral; Convergencia por los Derechos Humanos de la Zona Nor-occidental; Crisálidas de Villanueva; Equipo de Monitoreo Independiente de Honduras (EMIH); Equipo de Reflexión, Investigación y Comunicación/Radio Progreso (ERIC-RP); Feministas Universitarias; Frente Amplio del COPEMH; Foro de Mujeres por la Vida; Foro Social de la Deuda Externa y Desarrollo de Honduras (FOSDEH); Movimiento Amplio por la Dignidad y la Justicia (MADJ); Movimiento Diversidad en Resistencia (MDR); Movimiento de Mujeres por la Paz “Visitación Padilla”; Red de Mujeres Jóvenes de Cortés; Red de Mujeres Unidas de Colonia “Ramón Amaya Amador”; Red de Participación de Organizaciones de Sociedad Civil Siguatepeque (RPOSC); Red Nacional de Defensoras de Derechos Humanos en Honduras; Tribuna de Mujeres contra los Femicidios.