



chapter

V

Follow-up of Recommendations
issued by the IACHR in its
Country or Thematic Reports

Honduras

CHAPTER V

FOLLOW-UP ON RECOMMENDATIONS ISSUED BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS

SECOND FOLLOW-UP REPORT ON RECOMMENDATIONS ISSUED BY THE IACHR IN ITS REPORT ON THE HUMAN RIGHTS SITUATION IN HONDURAS

I. INTRODUCTION

1. The purpose of this Chapter is to follow up on the recommendations issued in the report entitled "The Human Rights Situation in Honduras," adopted by the Inter-American Commission on Human Rights ("the Commission," "the Inter-American Commission," or "the IACHR") on August 27, 2019, pursuant to Article 59(9) of its Rules of Procedure. Under that provision, by means of Chapter V of its Annual Report, the Commission shall follow-up on measures adopted to comply with the recommendations issued in the country or thematic report.

2. At the invitation of the Government of Honduras, the IACHR conducted an *in loco* visit to the country between July 30 and August 3, 2018. In 2019, the IACHR issued the Report on the Human Rights Situation in Honduras, along with a series of recommendations to the Honduran State, based on findings and information obtained before, during, and after the *in loco* visit. It also based its report on investigations conducted *ex officio*, information provided by the State, inputs from the various mechanisms through which the IACHR has monitored developments in the country, newspaper articles, and decisions and recommendations made by specialized international organizations, as well as other sources, pursuant to Article 59(5) of its Rules of Procedure.

3. In the Country Report, the Commission addressed the human rights situation in Honduras, with emphasis on the post-electoral conflict, citizen security, administration of justice, freedom of expression, and the situation of economic, social, cultural, and environmental rights. It also specifically analyzed the situation of groups and persons of special concern, such as women; children and adolescents; LGBTI persons; human rights defenders and justice officials; persons deprived of liberty; indigenous peoples, Afro-descendants and Garífuna communities; and people in the context of human mobility.

4. In its report, the IACHR noted that the 2017 electoral process and the context of violence that followed the elections—which included the disproportionate use of security forces—and the lack of progress in investigations, coupled with information pointing to the executive branches increasingly concentrated power over the legislative and judicial branches, have undermined citizen trust in public and political institutions.

5. Additionally, inequality and the lack of opportunities for broad sectors of the population—made up mostly of young people—are rooted in a system that, according to the testimonies collected, benefits only a handful of people with connections to high-level political and economic power. These situations disproportionately affect people in situations of vulnerability, generating clear inequality and impacting the effective enjoyment of their human rights.

6. In its report, the IACHR highlighted several areas of progress on human rights, including the creation of the Secretary of State in the Office of Human Rights in order to promote and implement the Human

Rights Public Policy and National Action Plan. Likewise, it notes with appreciation the creation and implementation of the System of Recommendations of Honduras (SIMOREH), intended to follow up on the recommendations made to the State of Honduras by the different international and regional human rights protection mechanisms. It also recognized the passage of the Police Career Act and the efforts made to reduce the overall homicide rate and strengthen and professionalize the police. Likewise, it notes the establishment of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Officials, as well as the stated commitment to continue strengthening the National Protection Mechanism.

7. In the report, the IACHR took note of the important human rights challenges that persist. In this regard, the Commission highlighted that the military police continue to take part in citizen security work, while the militarization of prisons continues. The military police also continue to take part in civic and educational training, like the “Guardians of the Homeland” program for children and adolescents. All these issues were noted by the IACHR in its 2015 report. Likewise, the military performs security functions in areas where there are conflicts over land, such as in Bajo Aguán, a situation that the IACHR has monitored continuously.

8. Likewise, in its report, the IACHR noted the soaring levels of impunity and inadequate and insufficient support for victims and family members. Civil society organizations have informed the IACHR of the existence of “selective justice,” that on one hand they view as taking delayed action in response to human rights violations, but on the other supports the interests of a series of actors with connections to government, political, and business power. Additionally, challenges persist that weaken the guarantee of independence and impartiality, such as the absence of sufficient guarantees that the bodies overseeing judges are independent.

9. In this regard, the Commission indicated that in order for there to be full enjoyment of human rights, it is essential for the State to make progress in the process of strengthening its democratic institutions, guaranteeing a true separation of powers, and strengthening the rule of law. Likewise, it indicated that the State must take decisive measures in the administration of justice and in the fight against impunity and corruption, as well as on reforming the electoral system pursuant to the international recommendations issued in this regard.

10. At the same time, the Commission highlighted the need for citizens to regain trust in their State institutions. It indicated that the State must ensure a real and effective transformation to eradicate the poverty, exclusion, and structural inequality that persists in the country, which have an impact on the exercise and enjoyment of human rights, especially in particularly at-risk groups. It must do so by adopting effective measures in accordance with applicable international standards.

11. Similarly, in its country report, the IACHR recommended that the State of Honduras implement a special follow-up mechanism together with the IACHR to verify implementation of the recommendations issued in the framework of the visit. In November 2019, the Honduras Special Technical Advisory Board (MESAT) was installed to comply with the human rights recommendations, given a working period of one year from the follow-up visit carried out by the IACHR between May 22 and 24, 2019. MESAT’s objective was to provide technical assistance to the State on developing tools to promote compliance with the recommendations made by the Inter-American Commission; monitor compliance with the recommendations issued in its Preliminary Observations and Country Reports; and provide technical support for drafting bills and public policies in the area of human rights.¹

12. During 2020, within the framework of the MESAT, a training workshop was held for State officials on inter-American standards on women’s human rights, including gender-based violence and discrimination against women; preparing a matrix for monitoring the recommendations in the country report using indicators; and holding a training workshop on the follow-up of recommendations of the IACHR and

¹ See: [Follow-up of Recommendations](#) of the IACHR.

exchange of good practices on the SIMOREH and the Inter-American SIMORE.² During 2021, MESAT conducted other activities, to be described under each corresponding recommendation of this follow-up report. The Commission values the State of Honduras's good will and readiness to cooperate toward the effective operation of this mechanism.

13. The first report following up on the recommendations issued in the Country Report, corresponding to 2020, included relevant comments received from the Honduran State and from civil society.

14. For drafting this report, in a communication dated September 23, 2021, the IACHR asked the State to submit information regarding compliance with the recommendations contained in the Country Report within 30 days. The response from the State of Honduras was received on October 29, 2021 through SIMORE and is available through this channel.³ The Commission appreciates and thanks the State for the information received, which, where applicable, was included in the present report. The IACHR would also like to thank civil society organizations for the information they provided.

15. In its follow-up report, the State reiterated its commitment to the Inter-American Human Rights System in fulfilling its obligations to protect, respect, and guarantee the human rights of all persons under its jurisdiction, as well as its commitment to follow up on the recommendations through the Inter-American SIMORE.⁴

16. This follow-up report is divided into 15 sections devoted to consideration of the measures adopted by the State to comply with the Commission's recommendations and of challenges that remain pending. The recommendations are evaluated according to the general guidelines on following up on recommendations and decisions of the IACHR,⁵ following the structure used in the IACHR report subject to the follow-up of this report. Each section makes reference to the recommendations issued by the IACHR in the respective chapters and analyzes the principal advances and challenges identified by the IACHR on the basis of the information provided by the State and by civil society organizations, as well as the information collected by the Commission through its monitoring of the overall human rights situation in the country during this year. To this end, the Commission has drawn on the information received from the State in public hearings, investigations conducted at the Commission's initiative, input from the petitions and cases mechanism, precautionary measures, and requests for information under the power established in Article 41 of the American Convention on Human Rights, as well as information available from other public sources and the decisions and recommendations of specialized international agencies, among other sources. Lastly, the IACHR offers its conclusions and recommendations.

17. On November 3, 2022, the Commission sent the State a copy of the preliminary draft of this report, in keeping with Article 59(10) of its Rules of Procedure, and asked it to submit its observations. On December 24, 2022, the Commission received the observations and comments of the State, the pertinent parts of which were added to this version. The full document is attached to this report. The final report was approved by the Commission on February 26, 2022.

18. The Commission welcomes the election held on November 28, 2021, and expresses to the incoming administration its willingness to continue pursuing constructive dialogue toward ensuring the effective enjoyment of human rights in Honduras. Additionally, the Commission expresses its willingness to

² IACHR, Annual Report 2020, Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras, para. 211.

³ [State of Honduras. Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019](#), October 29, 2021.

⁴ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg.1.

⁵ 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.

continue providing the State with technical assistance on human rights in order to ensure effective compliance with the recommendations made in the IACHR report.

II. FOLLOW-UP ON RECOMMENDATIONS

1. Recommendations regarding Democratic Institutions and the Rule of Law

- 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.
- To carry out diligently and impartially investigations with the purpose to identify and punish those responsible for the acts of violence, murder, and ill-treatment in the context of post-election protests.
- Ensure due process, access to comprehensive defense for all persons detained in the post-election context in accordance with inter-American human rights standards.

19. Regarding the recommendation to **guarantee the right to life, personal integrity and personal liberty of all those who demonstrate during social mobilizations**, the State reported on the training of the National Police in the Use of Force and Crowd Control and Disturbances, as well as the creation of the Municipal Observatories of Coexistence and Citizen Security that contribute to validating information provided by the police and ensuring the security strategies are applied in accordance with the National Plan. It indicated that the National Commissioner for Human Rights (CONADEH) accompanied social protest demonstrations, mediating between the population and authorities to guarantee the integrity of the protesters and ensure the authorities were fulfilling their responsibility to guarantee it. According to the State, between September 2020 and September 2021, CONADEH accompanied 23 demonstrations.⁶

20. Regarding **guaranteeing social mobilizations**, the State indicated that, in February 2021, prior to the primary election process, it set up the National Inter-agency Roundtable on the Prevention of Social Conflict⁷ to operate before, during and after the electoral process, along with four regional roundtables in areas prioritized according to conflict. Their purpose was to prepare, develop, and implement a conflict prevention strategy within the framework of the electoral process, creating spaces to strengthen democracy and governance. It indicated that the strategy also included holding Forums for Building Citizen Participation, where civil society and State institutions were invited.⁸

21. Additionally, it indicated that with the aim of mitigating social conflict, training sessions have been held for the members of the technical committees on preventing institutional social conflicts: the Forest Conservation Institute (ICF), the Department of Natural Resources and the Environment, the Merchant Marine, the Honduran Institute of Geology and Mines (INHGEOMIN), the Department of Energy, and the Department of Labor and Social Security. It reported that within the framework of the Situation Room for the Prevention of COVID-19 Social Conflict, eight social conflicts were prevented between January 1 and October 18, 2021.⁹ In its

⁶ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 2.

⁷ According to information from the State, this space is coordinated by the SEDH and made up of CONADEH, the National Electoral Council (CNE), the National Defense Department (SEDENA), the Security Department (SEDS), and the Department for Justice and Interior Affairs (SGJD), along with support from the United Nations Development Program (UNDP), the United Nations Office of the High Commissioner of Human Rights (OHCHR), and the United Nations System, with funds from the United Nations Peacebuilding Fund (PBF).

⁸ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 3.

⁹ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 3.

observations on the draft of this report, the State indicated that, in order to ensure an environment of peace, harmony, and governability during the elections, the candidates signed a commitment to clean, transparent, and peaceful elections during the course of a forum entitled "My Commitment to Peace, Democracy, and Respect for Human Rights," held by the SEDH.¹⁰

22. The Commission observes that the Honduran State documented 458 social mobilizations around the country between January and September 2021.¹¹ According to data from the protests observatory of the Comité por la Libre Expresión (C-Libre Honduras), the main reasons for the protests were the resignation of the health secretary, the demands for back pay by different unions, pay raises and economic recovery, reducing the cost of fuel, and road repairs.¹²

23. Civil society organizations informed the Commission and its Office of the Special Rapporteur for Freedom of Expression about mobilizations that occurred during 2021. In this regard, it was learned that in February 2021, several demonstrations took place over the failure to investigate the murder of student Keyla Martínez, in La Esperanza. According to civil society organizations, the protest held on February 8 in the city of La Esperanza was broken up using excessive use of force by members of the police.¹³ According to the information received, during these protests, military and police officers used tear gas and rubber bullets to repress one of the citizen demonstrations in La Esperanza, where there were also reports that video footage of the events was seized by police.¹⁴ In this context, the Office of the Public Prosecutor of Honduras arrested five university students who participated in the February 9 protests, investigating them for the alleged crimes of injuries and damage, aggravated arson, and criminal conspiracy. According to the Committee of Relatives of the Detained-Disappeared in Honduras (COFADEH), the Public Ministry was criminalizing the students and violating their procedural guarantees, and the police and military were surveilling the protesters located in the La Granja Court, where the initial hearing was held.¹⁵ The Office of the High Commissioner for Human Rights in Honduras (OACNUDH Honduras), condemned the excessive use of force by security forces against those demonstrating over these facts.¹⁶

24. Similarly, there were a number of social mobilizations prior to the establishment of 23 Special Development Zones (ZEDES), leading to a democratic exercise called open councils (*cabildos abiertos*) to declare the "municipalities free of ZEDES." In this regard, there emerged the case of student Henry Yovani Flores, who was arbitrarily detained on June 22 while on his way home after having participated in a protest against the ZEDE.¹⁷

¹⁰ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 4.

¹¹ State of Honduras. Follow-up report on compliance with the recommendations of the IACHR, October 2021.

¹² C-Libre. October 11, 2021. [Boletín Primer Semestre 2021: Observatorio de la protesta social](#); C-Libre. October 21, 2021. [Boletín Tercer Semestre - Julio-Septiembre 2021: Observatorio de protesta social](#)

¹³ COFADEH, Information for Follow-up on Compliance with the Recommendations Report on the Situation of Human Rights in Honduras, October 28, 2021, in the IACHR's archive; C-LIBRE, [Violento desalojo policial a manifestación ciudadana en La Esperanza](#), February 8, 2021.

¹⁴ CNN. February 8, 2021. [Honduras: con protestas exigen esclarecer muerte de estudiante detenida](#); *Proceso Digital*. February 8, 2021. [Indignación: Exigen justicia en la muerte de Keyla Martínez](#); C-Libre. February 8, 2021. [Violento desalojo policial a manifestación ciudadana en La Esperanza](#). C-Libre. February 9, 2021. [Segundo día de represión a protestas ante crimen contra joven universitaria](#); Amnesty International. February 12, 2021. [Amnistía Internacional: "Investigación por el crimen de Keyla debe alcanzar a los altos mandos policiales"](#).

¹⁵ *El Herald*. [Capturan a cinco jóvenes acusados de agredir a un agente en protestas por Keyla Martínez - Diario El Herald](#), February 11, 2021; Defensores en Línea. [MP investiga por tres delitos a estudiantes que exigían justicia para Keyla](#), February 11, 2021.

¹⁶ OHCHR Honduras [@OACNUDH] (February 8, 2021). [OACNUDH condena el uso excesivo de la fuerza por parte de agentes del orden público contra manifestantes en La Esperanza](#). [Tweet]. Twitter

¹⁷ FIDH, [Honduras: Detención arbitraria y criminalización de Hery Yovani Flores, líder del movimiento estudiantil](#), June 24, 2021.

25. Additionally, in the 2020 annual report, the State informed the Commission of the existence of a bill before the Congress of the Republic to regulate the use of force. However, it notes that during 2021 no progress was made on its passage.

26. The IACHR takes note of the information presented by the State but notes that it does not make it possible to analyze the level of progress toward complying with the recommendation, especially given the incidents of disproportionate use of force during the protests that occurred during this year. The Commission therefore finds that this recommendation remains **pending compliance**.

27. As regards the recommendation to **carry out diligently and impartially investigations with the purpose to identify and punish those responsible for the acts of violence, murder, and ill-treatment in the context of post-election protests and guarantee due process**, the State reported having launched investigations into these incidents in order to punish those responsible. It indicated that the Technical Criminal Investigation Agency (ATIC) is investigating 15 deaths and the Security Department is, through the Police Investigation Bureau (DPI), investigating 7 deaths, for a total of 22 deaths investigated in 17 cases. It indicated that of the 17 cases, currently two have ended in acquittals that are pending notification; one has been provisionally dismissed; and one case is being prosecuted. The other cases remain under investigation.¹⁸

28. Regarding this, civil society organizations indicated that on September 30, 2021, the person allegedly responsible for the murder of David Octavio Quirzo Urrutia, who died after being shot during public demonstrations, was acquitted. They indicated that out of all the post-election cases, only two had been prosecuted. The organizations informed the Commission of alleged irregularities in this case.¹⁹ Similarly, civil society told the Commission that, during the pandemic, some hearings for crimes committed in 2009 and 2017 in contexts of political crisis were rescheduled for 2022.²⁰

29. Based on the information provided, the Commission does not observe substantive progress with respect to the information presented in the 2020 report. In this regard, from the publication of the country report to date, there have been no convictions in connection with the facts related to the protests during the post-election conflict. The IACHR recalls that the State has an obligation to ensure prompt and effective justice, as well as to conduct expeditious and impartial investigations and punish those responsible.²¹ Therefore, the Commission finds that this recommendation remains **pending compliance**.

30. In relation to the recommendation to **ensure due process and access to comprehensive defense for all persons detained in the post-election context**, the State reiterated that ample defense was ensured for all persons detained in the post-electoral context and currently none of them are still being held.²² The Commission observes that the State did not present detailed information on the measures adopted to comply with this recommendation.

31. The Commission notes positively the acquittals of Edwin Róbelo Espinal and Raúl Eduardo Álvarez Ordoñez, who had been charged in the context of the demonstrations during the 2017 post-electoral crisis.²³ Despite this, the Commission is aware that 87 persons remain subject to criminal prosecution and are

¹⁸ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 4.

¹⁹ COFADEH, Information for follow-up on Compliance with the Recommendations of the Report Human Rights Situation in Honduras, October 28, 2021. IACHR archives.

²⁰ IACHR, Brief presented by civil society in the framework of the Public Hearing “[Situation of human rights in the context of the pandemic in Honduras](#)” held during the 181th Period of Sessions, October 27, 2021, IACHR archive.

²¹ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.L/V/II. Doc. 146, August 27, 2019, para. 81.

²² State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 4.

²³ OHCHR Honduras [@OACNUDH] (September 18, 2021). [OACNUDH saluda el fallo absolutorio emitido a favor de Edwin Róbelo Espinal y Raúl Eduardo Álvarez Ordoñez](#). [Tweet]. Twitter.

awaiting trial.²⁴ Such is the case of Jhony Salgado, who has been subjected to criminal prosecution for more than three years in connection with alleged involvement in protests during the post-election crisis.²⁵ At the same time, civil society organizations indicated that they had identified a number of irregularities in these cases, such as circulating the files through different investigative agencies, shortcomings in the investigation, and problems with evidence collection carried out without following the procedure, resulting in the inadmissibility of the evidence, among other issues.²⁶

32. In view of the information available, the IACHR observes that since the events related to the post-electoral conflict that occurred in 2017 and the launch of criminal proceedings in connection with them, no substantive progress has been made in resolving them. Additionally, the information presented by the State gives no evidence of possible progress. Therefore, the Commission finds that this recommendation remains **pending compliance**.

2. Recommendations regarding Citizen Security

- 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 INP.

33. In its country report, the IACHR recognized the efforts made by the State to reduce the overall homicide rate. The Commission observes that the downward trend in Honduras' homicide rate continues.²⁷ According to information from the State, through June 2021, the rate stood at 23.17 homicides per 100,000 inhabitants. It highlighted that as of July 2021, the Department of Security (SEDS), had registered 68 municipalities without murders.²⁸ However, figures from the United Nations Development Program (UNDP) project a rate of 39.0 for 2021, which would be slightly higher than 2020 but lower than for all previous years. According to the UNDP, in 2021, Honduras recorded 1,909 homicides between January and June, an increase of 17% (278 victims) over the same period in 2020.²⁹ In its observations on the draft of this report, the State indicated that Honduras ended 2021 with a rate of 38.63 murders per 100,000 inhabitants.³⁰

34. Additionally, the Commission observed with concern acts of violence in the context of an election year concluding with the general elections held on November 28, 2021. In this regard, according to the National Violence Observatory of the Universidad Nacional Autónoma de Honduras, from December 23, 2020—when the electoral process began—until October 25, 2021, murders of at least 27 political actors were documented.³¹ For its part, OHCHR expressed concern over the acts of political violence that have taken place since the electoral process began. The murders brought to the attention of the Commission included those of Nery Fernando Reyes, candidate for mayor of the municipality of Santa Ana de Yusguare, Choluteca, with the

²⁴ COFADEH, Information for follow-up on Compliance with the Recommendations of the Report Human Rights Situation in Honduras, October 28, 2021. IACHR archives.

²⁵ Radio Progreso, [Jhony Salgado y su lucha frente a la justicia hondureña](#), September 9, 2021; CADAL, [Honduras: the case of Jhony Salgado](#), August 8, 2021.

²⁶ COFADEH, Information for follow-up on Compliance with the Recommendations of the Report Human Rights Situation in Honduras, October 28, 2021. IACHR archives.

²⁷ UNDP, [Análisis multidimensional de la seguridad ciudadana en Honduras](#), first half of 2021, October 23, 2021.

²⁸ State of Honduras, Report referring to Chapter IV, volume 1 section "a" of the Rules of Procedure of the Inter-American Commission on Human Rights, November 2, 2021, para. 73.

²⁹ UNDP, [Análisis multidimensional de la seguridad ciudadana en Honduras](#), first half of 2021, October 23, 2021.

³⁰ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 5; National Police of Honduras, [Honduras cierra 2021 con 38.6 en tasa de homicidios por cada cien mil habitantes](#), January 1, 2022.

³¹ UNAH, [Boletín No. 4 de Violencia Política Electoral 2021](#), November 2021.

Libertad y Refundación Party (LIBRE), on October 8, 2021 in the city of Choluteca; Carolina Echeverría Haylock, candidate for deputy for the Partido Liberal, on July 25, 2021 in the Central District; Alejandro Cartagena Villeda, candidate for mayor of San Juan Guarita, Lempira, for the Partido Nacional, on March 29, 2021; and Félix Vásquez, human rights defender and candidate for alternate deputy for the Partido LIBRE, on December 27, 2020 in La Paz.³²

35. In relation to **the recommendation to advance the implementation of the plan for the gradual replacement of the armed forces in public security tasks**, the State reported that in order to strengthen the National Police, in May 2021, it began implementation of phase IV of the Morazan Plan. It indicated that, as part of this plan, an intervention will be carried out for the 30 municipalities with the highest crime rates, toward which police force actions and military police support have been reoriented. As part of the strengthening of the National Police, as of June 2021, there were 19,286 active police officers compared to 18,390 in 2020.³³

36. Similarly, the State indicated that it had strengthened the Police Bureau of Investigations with Violent Crimes Task Force (FTDV) departments/units, investigation of crimes against LGBTI persons, journalists, and lawyers, among others; violent deaths of women and investigation of homicides of women and femicides; and the Human Rights Defenders Threats Unit, investigation of common crimes against human rights defenders, journalists, social communicators, and justice officials. It reported that since the creation of the Bureau for Police Disciplinary Affairs (DIDADPOL) on August 31, 2021, 5,700 complaints have been processed for acts constituting serious or very serious offenses. Likewise, it indicated that the SEDS has given a number of training courses on human rights in multiple Police Education Centers. It indicated that the National Reconstruction Plan includes a Security Pillar linked to Sustainable Development Goal 16 "Peace, Justice, and Strong Institutions" to reduce violence and crime in Honduras by supporting and strengthening the National Police.³⁴ In its observations on the draft of this report, the State indicated that the participation of the Armed Forces (including the Military Police) in the electoral process complies with the constitutional mandate pursuant to Article 272 of the Constitution.³⁵

37. The Commission is concerned that the Morazán Plan encourages the military to participate in dealing with the situation of insecurity in the country. According to public information, the FUSINA commander indicated that under this plan, 30 municipalities with the highest crime rates will be reinforced with officers from the Military Police.³⁶ Regarding this, civil society organizations expressed concern at the implementation of this plan, since new responsibilities would be assigned to the Military Police, including providing support during the electoral process. Likewise, they highlighted a lack of details regarding the municipalities that would be under the control of the Armed Forces.³⁷ In this sense, they noted that this intervention will be carried out in municipalities that are already militarized and that it could lead to more repression, assassinations, and executions.³⁸ In its observations on the draft of this report, the State indicated that the Morazán IV Plan encourages the strengthening of the National Police and the gradual withdrawal of the Armed Forces acting in

³² OHCHR, [OACNUDH expresa preocupación por los actos de violencia política en el contexto electoral e insta a Honduras a tomar medidas para garantizar elecciones pacíficas](#), October 12, 2021.

³³ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 5.

³⁴ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 6 and 7.

³⁵ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 6.

³⁶ *La Prensa*, [Con militares intentarán disuadir ola de homicidios en 30 municipios de Honduras](#), May 11, 2021; *La Tribuna Honduras*, [En 30 municipios se genera el 70% de violencia en el país](#), May 11, 2021.

³⁷ COFADEH, Information for follow-up on Compliance with the Recommendations of the Report Human Rights Situation in Honduras, October 28, 2021. IACHR archives.

³⁸ *Resumen Latinoamericano*, Honduras. [La militarización de municipios aumentará la violencia diaria](#), May 14, 2021.

support of the National Police in the municipalities with the highest crime rate. It indicated that as part of this plan, the number of police officers had been increased, along with their professional training.³⁹

38. The information received by the IACHR shows that the militarization of citizen security continues to be a matter of concern. According to civil society organizations, the Public Order Military Police (PMOP), the National Inter-agency Security Force (FUSINA), and the TIGRES (Integrated Government Unit for Special Security Response)—essentially military forces—continue to perform a number of citizen security functions. At the same time, they have been documented participating in clashes that took place in the context of protests.⁴⁰

39. Additionally, the Commission continued to receive information on the role of the military in the context of the COVID-19 pandemic. In this regard, in the framework of the 180th Period of Sessions of the Commission, civil society organizations reported on the continuing use of military forces to contain the pandemic. They reported that the policies employed to address the COVID-19 pandemic have bolstered the military approach to addressing public security issues. Similarly, they indicated that the police and the army have used excessive force to implement the curfews and local and national lockdowns established in response to the pandemic, as well as to suppress the protests over unemployment and the lack of food aid from the government.⁴¹

40. The Commission recognizes the efforts made to train police officers using a human rights approach, as well as the strengthening of the National Police through an increase in the number of active police officers. However, based on the information received from the State, no concrete measures can be observed to remove public security tasks from the Armed Forces. On the contrary, the information received by the IACHR indicates the persistence of a strong presence of the military. In this regard, the IACHR reminds the State that maintaining internal public order and citizen security must be primarily reserved for civilian police forces, and when the Armed Forces intervene in security tasks on an exceptional basis, their participation must be extraordinary, subordinate and complementary, regulated, and supervised.⁴² The IACHR urges the State to adopt concrete and effective measures to effectuate the gradual withdrawal of the Armed Forces from citizen security tasks. In view of the information received, the Commission considers that this recommendation is **pending compliance**.

41. Regarding **developing a progressive strategy for disengaging the Armed Forces from performing penitentiary functions**, the State reported that FUSINA Order 01-2021, Gazette 35,608 would remain in force until December 31, 2021.⁴³ The State did not submit any additional information in this regard. In its observations on the draft of this report the State indicated that Legislative Decree No. 124-2021 extends the intervention in the National Penitentiary System and the National Institute for the Care of Minors until February 28, 2022.⁴⁴

42. The Commission observes that the militarization of prisons continues to be an aspect of concern in Honduras. According to public information, FUSINA was to run the penitentiaries from 2020

³⁹ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 5.

⁴⁰ CESPAD, [La política de seguridad de los Estados Unidos y la militarización en América Latina en el contexto de la democracia](#), June 16, 2021; COFADEH, Information for follow-up on Compliance with the Recommendations of the Report Human Rights Situation in Honduras, October 28, 2021. IACHR archives.

⁴¹ IACHR, "[Situation of human rights in the context of the pandemic in Honduras](#)" held during the 181th Period of Sessions, October 27, 2021.

⁴² Inter-American Court. [Case of Alvarado Espinoza et al. v. Mexico](#). Merits, reparations and costs. Judgment of November 28, 2018. Series C No. 370, para. 181 and 182.

⁴³ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 7.

⁴⁴ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 5.

through December 2021, which allegedly worsened the situation of persons deprived of liberty.⁴⁵ The Commission observes with concern that the involvement of the Armed Forces in prison functions has been extended until February 2022.

43. In this regard, the National Committee for the Prevention of Torture and Cruel, Inhuman, or Degrading Treatment (MNP-CONAPREV) told the Commission that the Executive Branch issued PCM-068-2019, granting the authority to manage the penitentiaries to the Inter-agency Force (FUSINA), thus militarizing the entire National Penitentiary System. They indicated that the majority of violent deaths in penitentiaries take place in maximum security facilities, which are managed by the military.⁴⁶ According to CONADEH, poor management of the penitentiaries—even with the Armed Forces involved—was evidenced by the riot in the “La Tolva” maximum security prison, which left at least 3 dead and 39 wounded.⁴⁷

44. Based on the information available, the IACHR does not have enough information on the measures adopted by the State during 2021 to demilitarize citizen security and prisons in Honduras. According to the information provided, responsibility for prison security was to extend through February 2022. The Commission will therefore continue to follow closely whether they effectively withdraw from the penitentiaries. Based on the foregoing, the IACHR concludes that this remains **pending compliance**.

3. Recommendations regarding the Administration of Justice

- 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.
- To strengthen the Office of the Prosecutor for Crimes against Life, 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 Special Prosecutor’s Office for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators.
- To adopt a human rights approach in anticorruption policies.

45. Regarding the recommendation to **prepare an access to justice plan to guarantee access to justice for victims, family members, and human rights defenders associated with human rights violations**, the State informed the Commission that the judiciary, with support from the German cooperation agency GIZ, is advancing the drafting of the Policy on Open Justice and Integrity in the Judiciary of Honduras. The Technical Roundtable of the Judiciary was established, along with the participation of different actors, including consultants, judicial facilitators, civil society, and academia. The aim is to prevent corruption, strengthen citizen participation, and enhance legal certainty at the national level. It indicated that in compliance with the 100 Brasilia Rules, indicators for people in vulnerable conditions were added, making it possible to measure the attention these groups receive and guarantee their access to justice.⁴⁸

46. The Commission takes note of the information presented by the State. However, it observes that this information does not reveal any specific measures indicating progress toward developing a plan to

⁴⁵ *Tiempo*, [Experto: caos en “La Tolva” evidencia fracaso de la política de seguridad del gobierno](#), June 18, 2021; *Tiempo*, [Militares ocultan crímenes y amotinamientos dentro de cárceles, denuncian expertos](#), June 16, 2021;

⁴⁶ MNP-CONAPREV, Communication addressed to the IACHR, June 21, 2021. IACHR archives.

⁴⁷ CONADEH, [El CONADEH lamenta y condena de manera contundente los recurrentes actos de violencia y muertes suscitados en las cárceles de máxima seguridad en el país](#), June 18, 2021; *El Periódico*, [Una riña en una cárcel de Honduras deja 5 muertos y 39 heridos](#), June 18, 2021; *La Prensa*, [Alto Comisionado de ONU pide investigar uso de armas en cárceles de Honduras](#), June 20, 2021.

⁴⁸ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 7.

guarantee access to justice. On the contrary, the Commission has been informed that high rates of impunity persist. Specifically, the Commission has received concerning information about the high rates of impunity in crimes related to the murder of women, which, according to CONADEH, stands at 90%.⁴⁹ Based on the information received, the Commission concludes that this recommendation is **pending compliance**.

47. As regards the recommendation **to strengthen the Office of the Prosecutor for Crimes against Life and the Office of the Special Prosecutor on Human Rights, Journalists, Social Communicators, and Justice Officials by providing it with protocols, sufficient personnel, and an adequate budget to combat impunity for crimes against human rights defenders and journalists**, the State reported that the Prosecutor's Office had a budget of 25,201,312.00 Lempiras and that 60 more prosecutors had been added at the national level, compared to the 47 prosecutors hired during 2020. Regarding the Office of the Special Prosecutor for the Protection of Human Rights Defenders (FEPRODDHH), it indicated that it has five prosecutors and three assistants providing support at the national level and a budget of 20,000,000.00 Lempiras.⁵⁰

48. As regards investigations into acts of violence against human rights defenders, the State indicated that the FEPRODDHH registered 40 complaints for the violation of freedom of expression, of which 10 are under investigation. The remaining complaints have been subject to prosecutorial orders of administrative closure, prosecutorial discretion, or forwarded to justices of the peace. It indicated that this Office of the Prosecutor has held 29 training sessions, attended by nearly 1,000 citizens, including members of the State security forces, journalists, social communicators, justice officials, and human rights defenders between 2018 and October 2021. It indicated that with the technical assistance of the OHCHR, the Workshop on Standards, Tools, and Good Practices for the Investigation of Serious Human Rights Violations was developed in 2021 to strengthen investigations.⁵¹

49. Likewise, it highlighted that the Special Unit for Vulnerable Groups attached to the FEDCV investigates the death of women human rights defenders in a differentiated manner, taking a gender approach to ensure investigations are exhaustive and effective. It indicated that as part of its specialization in human rights issues, the Special Unit for Vulnerable Groups attached to the FEDCV has participated in meetings with the representative groups of LGTBI communities, the Association of Journalists, and the Bar Association.⁵²

50. Additionally, the State reported that it continues to work on drafting protocols for investigating the deaths of human rights defenders, in the framework of compliance with the judgments in the cases of Carlos Escaleras and Pacheco León by the Specialized Interdisciplinary Group (GEI) comprised of the Office of the Public Prosecutor, Special Unit for Crimes against Life, Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials, the Technical Agency for Criminal Investigation, the Bureau of Forensic Medicine, the Human Rights Secretariat, and the Attorney General's Office (PGR) in collaboration with the OACNUDH.⁵³ It also indicated that it had taken the first steps toward drafting a protocol for investigating trans women in the framework of compliance with the Vicky Hernández judgment.⁵⁴ In its observations on the draft of this report, the State indicated that the "Protocol for the Investigation and Administration of Justice during criminal proceedings for cases of LGBTI

⁴⁹ CONADEH, [Defensora del Pueblo de Honduras reitera su llamado a frenar la violencia contra las mujeres](#), September 20, 2021.

⁵⁰ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 7 and 8.

⁵¹ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 8.

⁵² State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 8.

⁵³ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 8; State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 6.

⁵⁴ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 8.

persons who are victims of violence" is being drafted with the support of the Justice Education Society (JES) and does not address only trans women.⁵⁵

51. The Commission appreciates the information presented by the State, in particular the progress made in hiring prosecutors at the national level to work with the Office of the Prosecutor for Crimes against Life and the FEPRODDHH. Likewise, it appreciates the training carried out on human rights. However, based on the information provided, no measures have been adopted to contribute to reducing impunity rates for crimes against human rights defenders and journalists. On the contrary, the Commission continued to receive information about the lack of trust in the investigative authorities and the persistence of impunity for attacks against human rights defenders.⁵⁶

52. Additionally, the Commission recognizes the efforts to draft protocols for investigating deaths of human rights defenders, in collaboration with the OHCHR. However, it notes that this protocol remains in the drafting stage. In its observations on the draft of this report, the State indicated that for the protocol in the case of Escaleras Mejía and the case of Pacheco León, the Terms of Reference were sent to OHCHR and the State is awaiting a response and possible planning for 2022. Regarding the Protocol in the case of Pacheco León, it is waiting for comments on the working drafts.⁵⁷ The Commission takes note of the preparation of the various protocols indicated and will follow up on their implementation during 2022. Additionally, the Commission does not have sufficient information to enable it to evaluate whether the budget allocated to the Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators is sufficient. The IACHR therefore concludes that compliance with this recommendation **remains pending**.

53. With regard to the recommendation to **take a human rights approach in anti-corruption policies**, the State pointed to the creation of the Secretariat of Transparency (SDT), in charge of implementing the National Policy on Transparency, Probity, Integrity, and Corruption Prevention and the Transparency and Anticorruption Strategy. It indicated that in 2021, the United Nations Office on Drugs and Crime (UNODC) was established to provide technical support to the State and the institutions of the National Anti-Corruption System. It reported that the SDT—with technical assistance from UNODC—is preparing the National Anticorruption Strategy (ENA) in the framework of evaluating the second cycle of the mechanism for reviewing the application of the United Nations Convention against Corruption, which is in the consultation stage.⁵⁸

54. According to a report published in 2021 on corruption perception rates, during 2020 Honduras fell from 26 to 24 points out of 100 in the corruption perception index—its lowest score in eight years—and ranked 157th.⁵⁹ According to civil society organizations, corruption is one of the three main problems identified by citizens in Honduras.⁶⁰

55. In 2020, the IACHR was informed of the departure of the OAS Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH)⁶¹ and the ending of the Special Prosecutor's Unit

⁵⁵ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 6.

⁵⁶ Amnesty International, Honduras: Conviction of David Castillo is a step towards justice, but full truth must be uncovered, July 5, 2021; Technical (virtual) meeting with civil society organizations from Honduras held on September 9, 2021.

⁵⁷ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 6.

⁵⁸ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 11 and 12.

⁵⁹ Transparency International, [Corruption Perceptions Index](#), January 28, 2021; *Forbes Centroamérica*, [CNA lamenta "retroceso" de Honduras en posición de corrupción](#), January 28, 2021; *SwissInfo*, [Honduras registra su puntuación más baja en ocho años en índice de corrupción](#), January 28, 2021.

⁶⁰ CESPAD, [¿Percepción o realidad? Ministerio de Transparencia un obstáculo para el combate a la corrupción](#), 6 de febrero de 2021.

⁶¹ OAS, [Statement of the OAS General Secretariat on the Conclusion of the MACCIH](#), January 17, 2020; *DW*, [Corrupción hunde a Honduras en la pobreza y la desigualdad. 28 de febrero de 2020](#); *CNN*, [Gobierno no renueva convenio de la Maccih con la OEA](#), January 18, 2020.

against Impunity and Corruption (UFECIC).⁶² In its place, the State reported having created the Specialized Fiscal Unit against Corruption Networks (UFERCO), and established the Open Government Plan, under which Commitment 14 is the promotion of human rights.⁶³ Additionally, it informed the Commission of the creation of the SDT in 2020, although it has been the target of criticism by civil society organizations.⁶⁴

56. However, according to publicly-available information, UFERCO has suffered from financial difficulties, a lack of independence in the performance of its duties due to external pressure, and a lack of human capital, reflecting a lack of political will and the resistance to the fight against corruption in Honduras.⁶⁵ The Commission also learned that a series of disciplinary proceedings were launched against the head of UFERCO and at least two other prosecutors who belong to that Unit.⁶⁶

57. The IACHR reiterates that in order to ensure effective enjoyment of human rights and independent and impartial justice, it is absolutely essential to combat corruption, as well as to establish measures to protect the justice officials in charge of investigating corruption complaints, as stated in [Resolution No. 1/18](#) of March 2018.

58. Additionally, the Commission learned that on October 7, 2021, the Honduran National Congress passed several legal reforms, including the Special Law against Money Laundering that could pose an obstacle to the fight against corruption. In this regard, civil society organizations pointed out that these reforms would remove the Office of the Public Prosecutor's authority to investigate financial crimes, imposing bank secrecy that prevents it from delving into investigations related to crimes like money laundering, among others.⁶⁷

59. In its country report, the Commission underscored having received information on allegations of serious acts of corruption as one of the major factors preventing available resources from being used to guarantee human rights, in particular ESCER. In this regard, during 2021 the Commission learned that on September 7, 2021, the National Congress approved a decree establishing that vaccine purchases are to be kept classified.⁶⁸ The context here is that during 2020, the IACHR was informed of corruption scandals related to how the COVID-19 pandemic was being handled.⁶⁹ In this regard, in its Resolution 1/2021, the Commission indicated that pursuant to the obligation of active transparency, States must proactively release information on the procurement, import, distribution, prioritization, and administering of vaccines.⁷⁰ At the same time, the

⁶² CESPAD, [Los esfuerzos de las élites gobernantes para desmontar todo vestigio de la CICIG en Guatemala y la MACCIH en Honduras](#), August 26, 2021.

⁶³ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 12.

⁶⁴ WOLA, [Secretaría de Transparencia creada por el poder ejecutivo debilita lucha anticorrupción en Honduras](#), November 13, 2020; [Criterio HN. Crece rechazo a la paralela anticorrupción del gobierno](#), November 9, 2020.

⁶⁵ CESPAD, [Los esfuerzos de las élites gobernantes para desmontar todo vestigio de la CICIG en Guatemala y la MACCIH en Honduras](#), August 26, 2021.

⁶⁶ WOLA, [Organizaciones internacionales urgen cese de ataques contra fiscal hondureño Luis Javier Santos y expresan alarma sobre campaña de desestabilización contra la UFERCO](#), June 29, 2021; [Criterio Hn, Organizaciones internacionales manifiestan su apoyo a fiscales de la UFERCO](#), June 29, 2021.

⁶⁷ CESPAD, [El silencio del Sistema Bancario sobre el dinero que los corruptos depositan en los Bancos del país](#), November 18, 2021.

⁶⁸ CESPAD, [Compra de vacunas contra el Covid-19, la amenaza de nuevos casos de corrupción para financiar el clientelismo político](#), September 24, 2021; [El Heraldo, CNA pide al Congreso recapacitar sobre secreto de secretividad en compra de vacunas](#), September 8, 2021.

⁶⁹ DW, [Honduras protesta en plena pandemia: "¿Dónde está el dinero?"](#), August 13, 2020; [France24, Honduras: denuncian corrupción en la compra de hospitales móviles](#), September 15, 2020.

⁷⁰ IACHR, [Resolution 1/21](#), COVID-19 vaccines and inter-American human rights obligations, April 6, 2021, para. 20.

IACHR has noted that corruption through the diversion of public resources makes it impossible or difficult for the State to allocate "the maximum of available resources" to health.⁷¹

60. The IACHR emphasizes the importance of developing and implementing, at all levels of government, a series of public policies aimed at consolidating a comprehensive strategy for the fight against corruption using a human rights approach. The objective of these measures should be institution building; oversight and reducing space for acting with discretion; accountability; and monitoring of public activities.⁷² In this regard, the information provided by the State does not indicate that any concrete measures that are being adopted by the State to combat corruption. On the contrary, the Commission observes with concern the legislative reforms approved by the National Congress that foster a lack of transparency in Honduras. Therefore, the Commission finds that this recommendation remains **pending compliance**.

4. Recommendations regarding Freedom of Expression

- To review national legislation and remove crimes that may restrict the exercise of the right to freedom of expression and the work of journalists.
- To 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.

61. 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 did not given any indication of progress made to date.⁷³

62. However, during 2021, the IACHR and its Office of the Special Rapporteur for Freedom of Expression have continued to observe the use of criminal law to apply subsequent liability sanctions over speech that is in the public interest. The IACHR recalls that, as documented in its 2020 annual report, during the reform of the Honduran Penal Code that entered into force on June 25, 2020, offenses against honor such as slander and insults were left codified as crimes.

63. According to the information received by the IACHR and its Office of the Special Rapporteur, on March 30, 2021, the Francisco Morazán Execution Court issued a warrant for the arrest of deputy María Luisa Borjas in the framework of prosecution for slander amounting to defamation, initiated by businessman Camilo Atala, after the official identified him as the mastermind behind the murder of environmentalist Berta Cáceres and questioned the failure of the Office of the Public Prosecutor to take action on this and other crimes.⁷⁴ As indicated in the last annual report, in July 2020 the Supreme Court of Justice upheld Borjas' sentence of two years and eight months in prison. The sentence was commuted to the payment of a fine, and the deputy received her final release letter on April 9, 2021.⁷⁵

64. The IACHR also received information about a new criminal defamation proceeding against María Luisa Borjas filed in April 2021 by deputy Mario Sorto Deras after she accused him of being responsible

⁷¹ IACHR, [Corruption and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II. Doc. 236, December 6, 2019, para. 165.

⁷² IACHR, [Corruption and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II. Doc. 236, December 6, 2019, para. 11.

⁷³ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg.

⁷⁴ *Proceso Digital*, [Emiten orden de captura contra la diputada María Luisa Borjas](#), March 30, 2021; *La Prensa*, [Juzgado emite orden captura contra María Luisa Borjas, actual diputada de Libre](#), March 31, 2021.

⁷⁵ *Tiempo*, [La diputada de LIBRE, María Luisa Borjas, queda en libertad definitiva](#), April 9, 2021; *Criterio*, [Dan carta de libertad a María Luisa Borjas tras conmuta de pena](#), April 9, 2021; *El Heraldo*, [Camilo Atala paga conmuta a María Luisa Borjas y ella obtiene carta de libertad - Diario El Heraldo](#), April 10, 2021

for alleged irregularities in the primary electoral process within the Partido Libertad y Refundación. According to the information available, the oral trial will take place in January 2022.⁷⁶

65. Likewise, the IACHR learned of the passage of reforms to the criminal code that could restrict the exercise of the right to freedom of expression and the work of journalists. According to the information available, on November 1, 2021, the Honduran National Congress published in the Official Gazette⁷⁷ a series of reforms to the Criminal Code and to the Special Law on Money Laundering in Honduras, among other regulatory frameworks. They were approved by Decree 93/21 on October 7, 2021. According to the information received, the National Congress sanctioned these regulations in a virtual session convened just a few hours prior to being held and during one of Honduras's most important holidays.⁷⁸ The Office of the Special Rapporteur learned that organizations filed appeals on the grounds of unconstitutionality after the publication of the reforms.⁷⁹

66. The Penal Code reform codified "seizing of public space" as a modality of the crime of usurpation. Article 378 paragraph 4 sanctions with prison sentences whoever "seizes land or space corresponding to the right to use public goods, such as a right of way, highway, street, garden, park, green area, promenade, or other places of public use or domain (...)" with the purpose of preventing a person "from doing or continuing to do their work, affecting the normal development of their activities and rights." Likewise, it is noteworthy that the changes to the crime of usurpation codify continual *flagrante delicto*, opening the door to the use of expedited prosecutions and increased penalties, and adding aggravating circumstances. It also allows for preventive eviction, without a court order.

67. Additionally, according to publicly-available information, the reforms to the Money Laundering Act include the incorporation of the concept of Politically Exposed Persons (PEP), which includes civil society organizations that manage cooperation funds from abroad that focus on executing projects or programs of different types, and that engage in overseeing, investigating, evaluating, or analyzing public administration.

68. The IACHR and its Office of the Special Rapporteur expressed their concern at the expedited approval of these regulations without the necessary public debate and called on the State to revise them.⁸⁰ In particular, they pointed out that the reform of the Penal Code could lead to illegitimate restrictions on freedom of expression and peaceful assembly by limiting the exercise of protest in public spaces, as well as promoting the criminalization of human rights defenders—especially in a context in Honduras where the criminal offense of usurpation has historically been used mainly to the detriment of those who defend the right to land and the environment. At the same time, the incorporation of civil society organizations like PEPs could disproportionately restrict them from obtaining international financial cooperation to perform their work, since there is the possibility that financial institutions in particular may apply the concept of "no risk management" to PEPs.

69. Regarding the recommendation to 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, the Honduran State

⁷⁶ *Hondudiario*, [Presentan nueva querrela contra María Luisa Borjas por injurias y calumnias](#), April 12, 2021; *Proceso Digital*, [Sin conciliación nueva querrela contra María Luisa Borjas](#), July 30, 2021; *Proceso Digital*, [Para enero de 2022 fijan juicio oral a María Luisa Borjas por querrela](#), November 17, 2021.

⁷⁷ Republic of Honduras. [La Gaceta](#) No. 35760, November 1, 2021.

⁷⁸ IACHR. November 16, 2021. Press Release 304. [IACHR Concerned About the Implementation of Legislative Reforms with a Regressive Impact on the Exercise of the Right to Protest in Honduras](#).

⁷⁹ *HCH*, [¡Protesta! Organizaciones presentan recurso contra reformas penales en temas de usurpación de tierras](#), November 19, 2021; *Swissinfo*, [Organizaciones de Honduras presentan recurso contra reforma al Código Penal](#), November 19, 2021.

⁸⁰ IACHR, Press Release 304/21, [IACHR Concerned About the Implementation of Legislative Reforms with a Regressive Impact on the Exercise of the Right to Protest in Honduras](#), November 16, 2021.

did not report any progress to date.⁸¹ As noted in the 2020 Annual Report, despite the fact that on February 10, 2020 the Constitutional Chamber of the Supreme Court of Justice of Honduras declared the law "partially unconstitutional," because the decision was not unanimous, it had to be confirmed by the plenary Court. No information was received during 2021 to indicate progress in this legal process.

70. Given the lack of information from the State on compliance with the recommendations that would make it possible to assess progress, along with the information received by the IACHR this year, the Commission considers both recommendations to remain **pending compliance**.

5. Recommendations regarding Inequality, Poverty and Exclusion: Economic, Social, Cultural, and Environmental Rights

- To ensure sufficient, equitable and sustainable financing of health services that seeks universal access to quality facilities, goods and services.
- 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.
- To 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.

71. 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 the following budget was approved for the Ministry of Health (SESAL) for the year 2021: L. 18,218,439,532 lempiras.⁸² Similarly, it stressed that in the context of the COVID-19 pandemic, in 2021, a total of L. 2,427,229,597 has been invested, with the amount of L. 4,400,216,935 pending execution. The main categories of investment have included: procurement of medicines; procurement of medical supplies; hiring of medical and support staff; setting up spaces for the care of infected persons; support to MSMEs; temporary social assistance for employees; and acquisition of medical equipment.⁸³

72. Likewise, the Commission and its REDESCA take note that through the establishment of a trust, the SESAL acquired the quantities of medicines necessary to keep the main hospitals supplied during 2021.⁸⁴ In addition, according to information provided by the State, through the Pan American Health Organization (PAHO), the United Nations Population Fund (UNFPA), the Council of Ministers of Health of Central America (COMISCA), and the Regulatory Office on Contracting and Procurement of the State of Honduras (ONCAE), personal protection equipment, supplies, medicines, and surgical medical materials have been acquired due to the rise in cases of COVID-19.⁸⁵

73. In this sense, the REDESCA highlights that, according to information received from the Government of Honduras, as of October 4, 2021, 5,876,909 doses of the COVID-19 vaccine were administered

⁸¹ State of Honduras. Follow-up report on compliance with the recommendations of the IACHR, October 2021.

⁸² State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 9.

⁸³ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 9.

⁸⁴ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 10.

⁸⁵ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 10.

to the eligible population, with 3,545,996 people receiving their first dose and 2,330,913 people receiving their second dose. Also, Honduras has already started applying the booster dose to medical staff.⁸⁶ In its observations on the draft of this report, the State indicated that as of December 30, 2021, 9,561,765 doses of COVID-19 vaccines were administered to the eligible population, vaccinating 4,948,878 people with the first shot and 4,152,582 people with the second, with 7,271 people receiving the booster shot.⁸⁷ It is important to note the fifth COVID-19 vaccination campaign included vaccinating persons deprived of liberty (PDL) at the national level. Of the goal of 20,166 PDL, 16,539 were vaccinated with the first dose, equivalent to 81% coverage, and 13,839 with the second dose, equivalent to 69%. As of September 17, 2021, the total PDL vaccinated is 16,503 with the first dose and 13,469 with the second dose.⁸⁸ In its observations on the draft of this report, the State indicated that as of January 2022, there were a total of 16,057 persons deprived of their liberty vaccinated against COVID-19, out of a total prison population of 20,190 (79.52%). Of them, 829 had received a first dose, 11,215 had received two doses, and 4,013 had received a booster dose.⁸⁹

74. Similarly, the Commission and its REDESCA take note that according to SESAL, in July 2020, a National Integration Team (hereinafter NIT) was formed for access to and deployment of the COVID-19 vaccine, made up of a technical multidisciplinary SESAL team, the National Immunization Advisory Council (CCNI), the Sanitary Regulation Agency (ARSA), and the Honduran Institute of Social Security (IHSS). PAHO, the United Nations Children's Fund (UNICEF), and the United States Agency for International Development (USAID) took part as cooperators. In this regard, the State indicated that as of September 6, 2021, Honduras had received 6,244,137 Lempiras.⁹⁰

75. Additionally, the Commission and its REDESCA are aware that, in the context of managing the pandemic, the health sector union alleged a lack of State COVID-19 mass vaccination sites. They also pointed to a lack of equipment and supplies to deal with the pandemic.⁹¹ To this is added that complaints were received of expired doses of the Moderna COVID-19 vaccine in the country's south, in the Department of Choluteca. According to reports, the doses expired because people did not go to the vaccination sites due to skepticism toward the vaccine.⁹²

76. Along these lines, the Commission and its REDESCA take careful note that, from studies conducted previously by public entities, Honduras's health system faces many difficulties, including a lack of transparency in administrative and financial procedures, as well as such as an absence of strategic planning for the sector.⁹³

77. Additionally, the IACHR and its REDESCA observe with concern that several complaints were filed by civil society alleging a lack of attention by the State in the health system. The Commission and its REDESCA take note of the complaint filed by the National Anticorruption Council (CNA), before the Special Prosecutor for Transparency and Combating Public Corruption alleging five crimes of abuse of authority by the

⁸⁶ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 10.

⁸⁷ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 7.

⁸⁸ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 10.

⁸⁹ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pgs. 6 and 7.

⁹⁰ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 10.

⁹¹ *Swissinfo*, [Trabajadores hondureños marchan para pedir vacunación y medidas ante pandemia](#), May 1, 2021.

⁹² *Tiempo*, [Unas 25 mil vacunas contra el COVID-19 se vencieron en Choluteca](#), November 11, 2021.

⁹³ *Revista Médica Hondureña*, [Deficiencias en el sistema de salud pública y su impacto en la pandemia del COVID-19](#), Vol. 89, No. 2, 2021

head of the SESAL.⁹⁴ According to the complaint filed, the head of the health entity eliminated 15 positions to benefit people from his family circle and other officials of the entity. This allegedly led to a 70% wage increase for these persons, which according to the CNA violates article 150 of Legislative Decree No. 182-2020 regarding the general response of the State for fiscal year 2021.⁹⁵

78. The Commission and its REDESCA welcome the State's efforts to provide an adequate response to the pandemic, especially where it seeks to increase the budget for the health system. However, the IACHR and REDESCA observe with concern that these measures are not sufficient to respond effectively to the health crisis caused by COVID-19, and additional efforts are required to guarantee the right to health for all people without discrimination.

79. In this sense, the REDESCA reminds the State that part of guaranteeing the right to health is providing the system with all available resources to effectively guarantee it and develop it progressively, with there being immediate obligations as well. In particular, the Commission and its REDESCA reiterate that Resolution 1/2020 indicates that States have the obligation to ensure equitable distribution and access to healthcare facilities, goods and services, and therefore, resource scarcity does not justify acts of direct, indirect, multiple, or intersectional discrimination.⁹⁶ Furthermore, within the framework of the complaints filed for possible acts of corruption, the Commission and its REDESCA urge the State to adopt accountability mechanisms and access to justice in response to possible violations of ESCER in the context of the pandemic and its consequences, including abuses by private actors and acts of corruption or state capture to the detriment of human rights.⁹⁷ Taking the foregoing into consideration, the Commission and its REDESCA conclude that this recommendation remains in **partial compliance**.

80. 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 indicated that the fiscal policy of Honduras focuses on reducing poverty and social inequality. In this sense, the Commission and its REDESCA take note of the General Provisions of the Republic approved annually. For 2021, they show that the amount approved by the National Congress for Public Investment in the year 2021 was for the amount of 24,023.4 million Lempiras distributed between the Public Investment Program, the Solidarity and Social Protection Program for Poverty Reduction, road infrastructure projects, and in the following trusts: Investments and Allocations (FINA), Support and Promotion of Sports, Improvement of the Road Infrastructure in the Departments of Colón, and improvements to the Infrastructure and Services of the Department of Islas de la Bahía.⁹⁸

81. Similarly, the IACHR and its REDESCA take note that as of August 2021, public investment's current budget stood at L. 28,135.8 million for the execution of 88 projects, including five projects financed through the Public-Private Partnerships (PPP) and six trusts: the Road Infrastructure Trust, Social Fund for Poverty Reduction (Vida Mejor), Investment and Allocations Trust (FINA), Trust: Improvement of Infrastructure and Services of the Departments of the Bay Islands, Trust: Improvement of the Road Infrastructure of the Departments of Colón and Atlántida, National Trust for to Support and Promote Sports, and 77 projects that make up the Public Investment Program (PIP).⁹⁹

⁹⁴ Consejo Nacional Anticorrupción, [El CNA denuncia ante la FETCCOP a la secretaria de Salud por abuso de autoridad al beneficiar a sus dos hijos y nuera con jugosos salarios](#), September 13, 2021; CESPAD, [Compra de vacunas contra el Covid-19, la amenaza de nuevos casos de corrupción para financiar el clientelismo político](#), September 24, 2021.

⁹⁵ Consejo Nacional Anticorrupción, [El CNA denuncia ante la FETCCOP a la secretaria de Salud por abuso de autoridad al beneficiar a sus dos hijos y nuera con jugosos salarios](#), September 13, 2021.

⁹⁶ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 8.

⁹⁷ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 16.

⁹⁸ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 10.

⁹⁹ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 10.

82. In this regard, the Commission and its REDESCA welcome the progress made by the State to promote public investment in the country in areas that require greater attention to serve people facing greater vulnerability, especially those living in poverty and extreme poverty. However, the Commission and its REDESCA are concerned that, according to a study by the Universidad Nacional Autónoma de Honduras, poverty in the country increased to 70% in 2020, with up 10.7 percentage points compared to 59.3% in 2019, driven by the COVID-19 pandemic and tropical storms Eta and Iota.¹⁰⁰

83. In this same sense, the Commission and its REDESCA observe that, according to the UNDP, Honduras remains one of the poorest countries with the greatest inequality in Latin America and the Caribbean, as well as among the low-middle income countries. Additionally, although extreme poverty decreased by 1.9 percentage points in 2017 compared to 2013 levels, it still remains above the average for the period, at 40.3%.¹⁰¹ According to the General Coordination Office of the State Government, one of the factors that prevents further progress in reducing poverty is inequality in income distribution, since it prevents per-capita GDP growth from more effectively reducing poverty.¹⁰²

84. Therefore, although the measures being carried out aim to improve the quality of life of people facing greater vulnerability, different situations like the pandemic and the impacts of climate change have meant that these processes could be stalling. The Commission and its REDESCA take note that, consequently, the poverty rate in the country could increase from 70% to 75% at the end of 2021 for the reasons mentioned above, plus the lack of job opportunities and the high costs of living.¹⁰³

85. The Commission and its REDESCA urge the State to ensure that all the measures implemented in this context have a follow-up mechanism for their effective implementation. In this regard, the Commission and its REDESCA remind the State that public policies to reduce poverty need to include an integrated human rights approach at all stages: design, planning, implementation, and evaluation. In this sense, it is essential for the legal and regulatory frameworks to be strengthened by recognizing economic, social, cultural, and environmental rights, institutionalizing them, and transparently determining their specific scope.¹⁰⁴

86. Considering the foregoing, and based on the information received, the Commission and its REDESCA consider that this recommendation has met with **partial compliance**, and therefore additional measures are required for compliance.

87. Regarding the recommendation **to develop a national plan on business and human rights**, the Commission and its REDESCA take note of the actions taken by the State to do so:¹⁰⁵

- In March 2021, the Secretariat for Human Rights (SEDH) held the workshop "Guiding Principles of Business and Human Rights and their implementation in the Honduran context" for 52 public officials who make up the Technical Roundtables on the Prevention of Social Conflict at the national level.
- In June 2021, the SEDH coordinated the Training on Basic Principles and Guidelines on Evictions and Forced Internal Displacement aimed at prosecutors, judges and justice officials, training 31 public

¹⁰⁰ *Swissinfo*, [La pobreza en Honduras subió a 70 % en 2020 por culpa de Eta, Iota y la covid](#), April 30, 2021

¹⁰¹ General Coordination Office of the State Government of Honduras, [Plan Estratégico de Gobierno 2018-2022](#), updated through July 2021

¹⁰² General Coordination Office of the State Government of Honduras, [Plan Estratégico de Gobierno 2018-2022](#), updated through July 2021

¹⁰³ *EFE*, [La pobreza en Honduras podría aumentar de 70 a 75 % en 2021 por la covid-19](#), July 12, 2021

¹⁰⁴ IACHR, Report on Poverty and Human Rights in the Americas, OEA/Ser.L/V/II.164 Doc. 147, September 7, 2017, para. 485.

¹⁰⁵ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 11.

officials. The training teased out the relationship between forced evictions, forced displacement, and the United Nations Guiding Principles on Business and Human Rights.

- In August 2021, the Multi-stakeholder Dialogue on Business and Human Rights was reactivated, with the participation of representatives of the Private Sector, CONADEH, civil society organizations, and State institutions, along with the accompaniment of international aid workers from the European Union through the Pro-Derechos program, the Danish Institute for Human Rights, and the OHCHR. In the work session, in a participatory and inclusive manner, the necessary elements and steps were identified for drawing up a roadmap to a National Action Plan on Business and Human Rights.
- In September 2021, the results of reactivating the Multi-stakeholder Dialogue on Business and Human Rights were presented. During that presentation, a dialogue was held with the pertinent actors on the next specific actions to take, how the Multisectoral Technical Committee is comprised, and the baseline set for the next segments of the roadmap toward building a National Action Plan on Business and Human Rights.

88. The Commission and its REDESCA welcome the progress and different activities being undertaken to develop the plan. However, given that it has not yet been fully developed, this recommendation is deemed to meet with **substantial partial compliance** in view of the activities throughout the year toward drafting it. In this regard, they urge the State to continue making these efforts until the National Human Rights Plan is drafted. During this process, they urge the State to implement the recommendations of the REDESCA's report on Business and Human Rights, with special attention to Recommendation number 2¹⁰⁶ of that report.

6. Recommendations regarding the Rights of Human Rights Defenders

- 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.
- 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 give rise to the precautionary measures, in order to mitigate them.
- To strengthen the Mechanism for the Protection of Human Rights of 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.

89. Regarding the recommendation to **take urgent measures to prevent judicial harassment of human rights defenders**, the State reported that from January to September 2021, the Training School of the Office of the Public Prosecutor held four trainings on knowledge of, respect for, and guarantee of human rights, training 93 people. It indicated that in August 2021 a training on protecting human rights defenders was given by the IACHR within the framework of the MESAT.¹⁰⁷ At least 29 officials from the State of Honduras participated in this training, where the main inter-American standards on prevention and protection of the rights of human rights defenders were addressed.

90. However, during 2021, the Commission observed that the improper use of the penal system continued to be a regular means of harassing human rights defenders in Honduras. In this regard, the

¹⁰⁶ REDESCA, Report on Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II. CIDH/REDESCA/INF.1/19, November 1, 2019, Recommendation 2

¹⁰⁷ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 16.

Commission learned of several cases of criminalization of human rights defenders, especially in connection with defense of the territory of indigenous and Afro-Honduran communities. Regarding this, the Commission was informed of the arrest of several Garífuna women human rights defenders in 2021 who were subject to criminal proceedings under two charging documents issued by the Office of the Public Prosecutor for the alleged commission of the crimes of damage, threats, theft, and usurpation of land, related to a civil dispute with third parties resulting from a failure to establish property lines for the ancestral lands of the Garífuna communities of Cristales and Río Negro.

91. Thus, the IACHR learned that on July 10, 2021, Jenny Boden Ruiz, a Garífuna woman who is currently on conditional release, was arrested, and on June 16, Silvia Bonilla was arrested. Both are members of the Organización Fraternal Negra Hondureña (OFRANEH). During the initial hearing, both charges were provisionally dismissed, concluding that there was a lack of evidence to prove their guilt. In addition, on March 3, 2021, sisters Marianela and Jennifer Mejía Solórzano, also members of OFRANEH, were arrested. During the initial hearing, a formal indictment was issued against these human rights defenders and they were granted conditional release in lieu of pretrial detention. In addition, it was learned that stemming from these two criminal charging documents, at least another 28 arrest warrants are pending.¹⁰⁸ The IACHR was also informed of the summons of nice Tolupan human rights defenders as a result of their defense of the territory and their opposition to a forest management plan led by a private company.¹⁰⁹

92. Additionally, the Commission continued to receive information on the criminal proceedings against environmental defenders from the Guapinol community, accused of the crimes of illegal deprivation of liberty, aggravated arson, robbery, and criminal association as possible retaliation for their work as defenders of land, territory, water, and the environment in Honduras.¹¹⁰ Regarding this, the Commission notes that human rights defender Jeremías Martínez Díaz was placed in judicial detention on November 29, 2018 and pretrial detention on December 5, 2018. Meanwhile, Kelvin Alejandro Romero Martínez, José Daniel Márquez, Porfirio Sorto Cedillo, José Abelino Cedillo, Ewer Alexander Cedillo Cruz, Orbín Nahúm Hernández, and Arnold Javier Alemán have been in prison since August 26, 2019, and in pretrial detention since September 1, 2019.¹¹¹

93. In this regard, the United Nations Working Group on Arbitrary Detention concluded that the detention of these defenders is arbitrary and urged the State of Honduras "to release the eight human rights defenders immediately and grant them the effective right to obtain both compensation and the necessary reparation for the violation of their rights."¹¹² Despite this, the Commission was informed of the decision of the Trujillo Sentencing Court issued on October 28 ordering that the eight Guapinol defenders be kept in pretrial detention.¹¹³ The IACHR notes that after more than three years in pretrial detention, on December 1, 2021, the trial began against the eight defenders. It will continue to closely monitor their case.¹¹⁴ According to information provided by civil society organizations, the case file shows the investigation suffers from multiple

¹⁰⁸ IACHR, Press Release 195/2021, [IACHR and OHCHR Call on State to Refrain from Criminalizing Garífuna Women Human Rights Defenders in Honduras](#), July 27, 2021.

¹⁰⁹ *Criterio.hn*, [Continúa criminalización contra Tolupanes en Honduras](#), September 6, 2021.

¹¹⁰ Request for information from the State under Article 41 of the American Convention on Human Rights.

¹¹¹ UN Human Rights Council, Working Group on Arbitrary Detention, [Opinion no. 85/2020](#), regarding 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 regarding Honduras, A/HRC/WGAD/2020/85, February 24, 2021, para. 23.

¹¹² UN Human Rights Council, Working Group on Arbitrary Detention, [Opinion no. 85/2020](#), regarding 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 regarding Honduras, A/HRC/WGAD/2020/85, February 24, 2021, para. 96

¹¹³ OHCHR Honduras, [OACNUDH lamenta resolución del Tribunal de Sentencia de Trujillo que ordena mantener en detención preventiva a los defensores de Guapinol](#), October 29, 2021; OMCT, [Honduras: Intimidación contra las familias de los defensores de Guapinol](#), December 3, 2021.

¹¹⁴ OMCT, [Honduras: Intimidación contra las familias de los defensores de Guapinol](#), December 3, 2021.

deficiencies, including what appears to be a lack of due diligence.¹¹⁵ The Commission reminds the State of its duty to ensure that reasonable time and the other guarantees of due process are respected so that the human rights defenders against whom criminal proceedings have been brought are duly heard by a competent, independent, and impartial judge or tribunal, previously established by law where their right to the presumption of innocence is guaranteed, along with their right to appeal the decisions issued against them.¹¹⁶

94. The IACHR highlights that the criminalization of human rights defenders encourages collective stigma and sends a message of intimidation to those who want to report or have reported human rights violations.¹¹⁷ The IACHR has indicated that launching groundless criminal investigations or lawsuits against human rights defenders not only has a chilling effect on their work to defend human rights, but can completely paralyze it. When it is women doing this work, criminalization inhibits the human rights defense work they do while increasing and exacerbating existing social inequalities.¹¹⁸

95. Additionally, the Commission is concerned that acts of violence against human rights defenders, particularly against those who defend the environment, continued during 2021. The IACHR learned of the murder of the Lenca indigenous leader and territory defender Juan Carlos Cerros Escalante, which according to publicly-available information, took place on March 21 in the municipality of San Antonio, department of Cortés.¹¹⁹ The Commission was also informed of the murder of human rights defender Juan Manuel Moncada, which, according to publicly-available information, took place on July 6 in the city of Tocoa, department of Colón. Juan Manuel Moncada was a beneficiary of the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials.¹²⁰ The murders of human rights defenders Celenia Bonilla and Nelson García were also reported. According to publicly-available information, they took place on November 21 in the community of Cañada de Flores, municipality of Guaimaca, Francisco Morazán.¹²¹

96. In 2020, the Commission was informed of the alleged forced disappearances of Alberth Sneider Centeno, Milton Joel Martínez Álvarez, Suami Aparicio Mejía, and Gerardo Mizael Rochez, members of the Garífuna community El Triunfo de la Cruz, human rights defenders and members of the Organización

¹¹⁵ Amnesty International, [Honduras: Honduras: Amnesty International urges authorities to immediately release eight prisoners of conscience](#), December 9, 2021.

¹¹⁶ IACHR, [Criminalization of the Work of Human Rights Defenders.](#), OEA/Ser.L/V/II. Doc. 49/15, December 31, 2015, Recommendation 28.

¹¹⁷ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II, December 31, 2011, para. 79.

¹¹⁸ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II, December 31, 2011, para. 76.

¹¹⁹ *La Prensa*, [Frente a sus hijos matan a líder indígena lenca en Honduras](#), March 23, 2021; *Criterio Honduras*, [Repudio tras asesinato de ambientalista Juan Carlos Cerros Escalante en Honduras](#), March 23, 2021; Defensores en línea; [OACNUDH condena crimen de líder indígena lenca](#), March 24, 2021.

¹²⁰ OHCHR Honduras, [OACNUDH condena el asesinato del defensor de derechos humanos Juan Manuel Moncada, líder de la empresa campesina "Gregorio Chávez"](#), July 8, 2021; *Paradigma*, [Sicarios le quitan la vida a un hombre dentro de un centro comercial en Tocoa](#), Colón, July 6, 2021.

¹²¹ OHCHR Honduras, [OACNUDH condena los asesinatos de los defensores de derechos humanos Nelson García y Celenia Bonilla](#), November 22, 2021; *IM Defensoras*, [HONDURAS / Asesinan a defensora Celenia Bonilla y a su esposo Nelson García, integrantes de la Empresa Campesina Hombres y Mujeres de Fé en Guaimaca](#), November 22, 2021.

Fraternal Negra Hondureña (OFRANEH).¹²² Regarding this, the Commission observes that one year after his disappearance and as of the publication date of this report, his whereabouts remain unknown.¹²³

97. Regarding these incidents, in 2021, the IACHR requested information from the State on the progress of the investigations into these incidents.¹²⁴ In its response, the State indicated to the Commission that it continues to search in several areas of the Atlántida department. Regarding the investigation process, it reported that it would continue and that the pertinent steps have been taken to collect evidence to support charges against suspects. It also said it is preparing to implement the Comprehensive Approach Plan in the communities so the representatives of the disappeared leaders can be provided with support.¹²⁵

98. Regarding the murder of the Lenca human rights defender Berta Cáceres, in November 2018 the Commission learned about the decision of the First Chamber of the Sentencing Court finding seven people guilty of the murder of the human rights defender after they were hired by executives of the company Desarrollos Energéticos, S.A. (DESA) to commit the murder on March 3, 2016.¹²⁶ In its country report, the Commission recognized this judgment as an important step forward, but warned that justice for the victims will be effective and integral when all the material and intellectual authors of the crime are brought to justice and held accountable.¹²⁷ During 2020, the Commission observed that no substantive progress was made on the case.¹²⁸

99. In April 2021, the Commission expressed concern at the repeated delays in the judicial process.¹²⁹ It also noted that the family members, COPINH, and other organizations supporting them had at the different stages of the trial decried a number of obstacles, including a failure to recognize them and allow them to effectively participate in the judicial process, as well as the exclusion of different criminal procedures, limitations on access to information, re-victimization, stigmatization, and threats. Similarly, the IACHR received information about how the COVID-19 pandemic was posing an obstacle to the transparency and publicity of the trials.¹³⁰ In its observations on the draft of this report, the State indicated that the hearing on admitting evidence against David Castillo was held on February 25, 2021.¹³¹ On July 5, the Commission learned of the first guilty verdict against David Castillo, the former manager of DESA, upon finding that he was one of the co-

¹²² UN Office of the High Commissioner for Human Rights, [OACNUDH condena la desaparición forzada de Alberth Sneider Centeno, presidente del Patronato de la comunidad Garífuna de El Triunfo de la Cruz, y de tres personas más pertenecientes a la comunidad](#), July 19, 2020; Amnesty International, [Honduras: Authorities must deploy all necessary measures to locate five victims of apparent enforced disappearance](#), July 24, 2020

¹²³ IACHR [@CIDH] (July 19, 2021). [CIDH llama al Estado a redoblar sus esfuerzos para dar con el paradero de Milton Martínez, Suami Aparicio, Gerardo Trochez y Alberth Sneider de la comunidad garífuna El Triunfo de la Cruz](#) [Tweet]. Twitter

¹²⁴ Request for information from the State under Article 41 of the American Convention on Human Rights, July 23, 2021.

¹²⁵ Response of the State of Honduras to a request for information under Article 41 of the American Convention on Human Rights, August 18, 2021, in the IACHR archives.

¹²⁶ Front Line Defenders, [Case History: Berta Cáceres](#), December 6, 2018.

¹²⁷ IACHR, Situation of human rights in Honduras, OEA/Ser.L/V/II. Doc. 146, August 27, 2019, para. 174.

¹²⁸ IACHR, Annual Report 2021, Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras, para. 91.

¹²⁹ IACHR [@CIDH] (April 7, 2021). [CIDH expresa preocupación ante los reiterados retrasos en el proceso judicial por el asesinato de la defensora Berta Cáceres](#), [Tweet]. Twitter

¹³⁰ IACHR, Press Release 163/21, [OHCHR and IACHR Call for Effective and Impartial Access to Justice in the Berta Cáceres Murder Trial](#), July 1, 2021.

¹³¹ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 7.

masterminds behind her murder.¹³² The IACHR notes that this judgment has yet to be upheld by the First Chamber of the Sentencing Court.¹³³

100. In its observations on the draft of this report, the State indicated that the police officers who had tried to derail the investigation into the murder of Berta Cáceres using false evidence had been definitively dismissed. It indicated that the Judiciary would decide on whether to admit evidence to bring these officers to trial by January 2022.¹³⁴ The Commission urges the State to move forward in the fight against impunity for crimes against human rights defenders and continue to diligently investigate the murder of human rights defender Berta Cáceres in order to punish all material and intellectual authors.

101. The Commission highlights that the murders of and attacks on indigenous and Afro-descendant leaders seriously impact cultural integrity by breaking cohesiveness of peoples and communities as regards the defense of their human rights.¹³⁵ In this sense, it reminds the State that the most effective means of protecting human rights defenders is to diligently investigate the acts of violence against them and punish both the perpetrators and the masterminds. It also notes that impunity increases their risk, leaving them in a defenseless and unprotected situation, thereby fostering repetition of these crimes.¹³⁶ This recommendation therefore remains **pending compliance**.

102. Regarding the recommendation to **immediately, suitably, and effectively implement the precautionary measures granted by the Commission**, the State indicated that, as of September 2021, the IACHR had ordered 56 precautionary measures from 2002 to 2021. Of them, 52 precautionary measures are in force and 4 were closed during 2021. Of the 52 in force, 32 are implemented under the Protection Mechanism.¹³⁷ The State did not present further information regarding the implementation of the precautionary measures.

103. During 2021, the IACHR granted a precautionary measure regarding human rights defenders in Honduras.¹³⁸ The IACHR emphasizes that the State has been responding to requests for information made under Article 25 of the 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 IACHR 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 IACHR make it possible to obtain elements for assessing the situations presented.

104. Even so, the IACHR is aware of challenges in the implementation of a number of precautionary measures. Its monitoring of the precautionary measures in force has observed persistent situations of risk to beneficiaries. In this regard, the IACHR is 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 to update or conduct risk analyses, failures in police liaisons,

¹³² IACHR [@CIDH](July 7, 2021). [CIDH saluda primera condena contra un autor intelectual del asesinato de la defensora Berta Cáceres](#), [Tweet]. Twitter

¹³³ COPINH, [Falta de Sentencia contra David Castillo e Incertidumbre Jurídica en el caso de Berta Cáceres](#), 12 de octubre de 2021.

¹³⁴ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 7.

¹³⁵ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II, December 31, 2011, para. 298.

¹³⁶ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II, December 31, 2011, para. 232 and 233.

¹³⁷ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 17.

¹³⁸ IACHR, Press Release [305/21 - IACHR Issues Follow-Up Resolution on Precautionary Measures in Favor of Berta Cáceres' Family, Members of COPINH, and Others in Honduras](#). November 16, 2021.

technical failures of security vehicles and lack of maintenance thereof, unilateral changes made to the arrangements without consultation, assignment of guards and escorts that are not trusted by the beneficiaries, failure to include differential approaches in security measures, etc. Greater challenges are also noted when dealing with human rights defender beneficiaries who are part of a collective and/or belong to movements that fight against extractive activities and defend ancestral territory. At the same time, the beneficiaries of precautionary measures have indicated that despite filing complaints before the competent authorities over facts that put them at risk, they have seen no substantial progress in the investigations. It was even pointed out that most of the processes have been inactive for years, without any update on investigative proceedings, in many cases leading to the cases be closed and archived.¹³⁹

105. The IACHR calls on the State to continue taking appropriate and effective actions for the beneficiaries and advancing 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 IACHR finds that this recommendation remains **pending compliance**.

106. Regarding the recommendation **to strengthen the Protection Mechanism for Human Rights Defenders and Journalists and the adoption of a comprehensive public policy of prevention and protection for human rights defenders**, the State reported continuing to strengthen the Mechanism through budgeting of funds from the National Treasury, as well as 20 million Lempiras per year in funds from the Population Security Tax. This has made it possible to meet the demand for protective measures, which, as of September 30, 2021, stood at 614, of which 425 have been granted. Of the applications admitted, 131 cases remain active: 72 individual cases (47 men, 24 women, and 1 trans woman) and 59 collective cases. The State made reference to a series of manuals and protocols prepared during 2020. However, it did not present information regarding 2021. In relation to the drafting of a comprehensive public policy, the State indicated that the document would be a priority of the government transition process.¹⁴⁰ Similarly, the State indicated that during 2021 several prevention plans were prepared in the communities of the Tolupán, Locomapa, and Lencas de Río Blanco tribes.¹⁴¹

107. For their part, civil society organizations informed the Commission of various concerns regarding this mechanism. In particular, they highlighted the lack of budget for its operation and the loss of staff specializing in risk analyses. They indicated that as a result of the lack of budget, files are being closed at a faster rate if the last evaluation found a risk lower than 40%.¹⁴² In turn, they pointed to a lack of trust in this mechanism¹⁴³ and its ineffectiveness with regard to the activities of extractive companies and palm oil companies.¹⁴⁴

¹³⁹ Information received in the framework of the monitoring conducted by the IACHR for the precautionary measures in force.

¹⁴⁰ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 29, 2021, pg. 17. The State referred to the preparation of the following: The Manual for the Application of Gender and Intersectionality Approaches, for attending to cases of women and LGTBI persons; two Protocols, one for implementing and monitoring temporary relocation, along with an implementation guide; and another for the Integrated Response to Requests for Protective Measures and its implementation guide, both in the framework of a pandemic or similar scenarios, disseminated to the DGSP staff; and the Protocol for Institutional Coordination between the Directorate for Preventive Management of the Risk of Human Rights Violations and Social Conflict and the Prevention and Context Analysis Unit.

¹⁴¹ State of Honduras, Report referring to Chapter IV, volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, October 15, 2021, pg. 14.

¹⁴² COFADEH, Information for follow-up on Compliance with the Recommendations of the Report Human Rights Situation in Honduras, October 28, 2021, in the IACHR archive.

¹⁴³ Technical meeting with civil society organizations from Honduras held on September 9, 2021.

¹⁴⁴ COPINH, Public Statement, "[Sistema de Protección en Honduras vulnera derechos y eleva riesgos de ataques en contra de las personas defensoras de derechos humanos](#)," November 9, 2021.

108. The Commission takes note of the resources earmarked by the State for the human rights defender protection mechanism, which will make it possible to cover the significant cost of protecting these groups. However, it notes with concern that lack of sufficient budget allocation continues to be one of the main obstacles to its effective operation. Along these lines, the IACHR reminds the State of the need to provide sufficient human and financial resources to respond to the real protection needs of at-risk human rights defenders, always in consultation with the beneficiaries.¹⁴⁵

109. Additionally, the IACHR appreciates the State's willingness during 2021 to participate in training on the protection of human rights defenders conducted by the Commission in the framework of compliance with the Specialized Technical Advisory Roundtable. However, it notes that during 2021, there was no progress on developing a comprehensive public policy for protecting human rights defenders.

110. On the contrary, the Commission was informed of various legislative reforms that could represent an impediment to the defense of human rights in Honduras. In this regard, on November 1, the Honduran National Congress published in the Official Gazette a series of reforms to the Criminal Code and to the Special Law on Money Laundering in Honduras, among other regulatory frameworks. They were approved by Decree 93/21 on October 7, 2021. The Penal Code reform codified "seizing of public space" as a modality of the crime of usurpation. The IACHR said these reforms could lead to illegitimate restrictions on freedom of expression and peaceful assembly by limiting the exercise of protest in public spaces, as well as promoting the criminalization of human rights defenders. Likewise, the Commission is concerned that the lack of inclusion of motive as a requirement for the commission of the crime may give justice officials discretion to abuse this type of criminal offense. Additionally, reforms to the Money Laundering Act were made that incorporate the concept of Politically Exposed Persons (PEP), which includes civil society organizations that manage cooperation funds from abroad that focus on executing projects or programs of different types, and that engage in overseeing, investigating, evaluating, or analyzing public administration. The Commission is concerned that this could disproportionately restrict international financial cooperation financing activities, since there is the possibility of applying the concept of "no risk management."¹⁴⁶

111. Based on the information provided, the Commission considers that this recommendation continues to meet with **partial compliance** and urges the State to adopt the necessary measures to guarantee its effective compliance.

7. Recommendations regarding the Rights of Indigenous and Afro-descendant Persons

- To adopt the necessary measures to demarcate, title and rehabilitate the lands and territories claimed by indigenous peoples as appropriate.
- 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.
- Implement public policies that address the needs of the peoples in Moskitia, in particular, socio-economic 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 publish 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

¹⁴⁵ Inter-American Court. [Case of Luna López v. Honduras](#). Merits, reparations and costs. Judgment of October 10, 2013. Series C No. 269, para. 243.

¹⁴⁶ IACHR, Press Release 304/21, [IACHR Concerned About the Implementation of Legislative Reforms with a Regressive Impact on the Exercise of the Right to Protest in Honduras](#), November 16, 2021.

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.

112. Regarding the recommendation to **adopt the necessary measures to demarcate, title, and rehabilitate the lands and territories claimed by indigenous peoples**, the State indicated that it had begun the negotiation of the project to conserve 17,000 hectares of mangroves with five Territorial Councils of the Misquito People with the company South Pole, through aid in action for the sale of Blue Bonds, for the benefit of the Misquito People. It indicated providing support through social environmental projects in the framework of offshore oil exploration; supporting the governance of the Misquito people with a contribution of US\$30,000; and holding the Unification Assembly for a single MASTA Board of Directors with the approval of the Ministry of the Interior, Justice, and Decentralization.¹⁴⁷

113. Likewise, it indicated that on September 7, 2021, within the framework of the Alliance for the Development of the Honduran Moskitia, the National Agrarian Institute (INA) launched the Land Sanitation Project in the Moskitia, whose purpose is to take a crosscutting approach to economic development, use of natural resources, social development, and basic infrastructure, justice, and governance, prioritizing the issues of land titling, disencumbrance, and regulation of land in this area.¹⁴⁸ Likewise, the State reported that the INA issued property title to the Lenca people with an area of 39.48 hectares until October 2021.¹⁴⁹

114. The IACHR takes note of the information provided by the State on the negotiation process with the Territorial Councils of the Miskito people in relation to the Conservation Project for the sale of carbon bonds. In its observations on the draft of this report, the State indicated that the ICF has not participated in any negotiation process with the Territorial Councils of the Miskito people regarding the sale of carbon bonds; however, the ICF has been informed that they have been holding regular meetings with people of unknown origins with the intention of carrying out this project.¹⁵⁰ The IACHR finds that it needs more information on how the rights of the Miskito communities to their lands, territories, and natural resources will be protected and how international standards on prior consultation and free, prior, and informed consent will be met.

115. Similarly, with respect to social projects linked to oil exploration, the IACHR finds that it needs more information on how agreements were reached for these social projects and how the standards on prior consultation and consent and other rights of indigenous peoples were met. In addition, in regard to the efforts mentioned by the State to unify the board of directors of the organization representing the MASTA Miskito, the Commission finds it needs more information on how indigenous peoples' right to self-determination was respected in the process of support provided by the State. Likewise, the IACHR concludes it needs more information on the Land Disencumbrance Project, in particular on its operation and the measures taken to meet the demands of the Miskito people and other peoples of the Honduran Moskitia for the release of their lands and other measures to protect against the actions of third parties.

116. With respect to the titling of indigenous lands and territories, the IACHR takes note of information indicating that most of the indigenous territories lack titles and that multiple regulations and laws related to access to water resources, tourism promotion, energy and electricity, and Employment and

¹⁴⁷ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 2021, pg. 20.

¹⁴⁸ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 2021, pg. 20.

¹⁴⁹ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 2021, pg. 20.

¹⁵⁰ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 8.

Development Zones (ZEDE), among other issues, tend to limit the territorial rights of indigenous peoples and their right to prior consultation, consent, and self-determination.¹⁵¹

117. The IACHR also observes with concern the situations of displacement faced by indigenous and Afro-descendant peoples and what this means for the enjoyment of their rights to their ancestral territories. According to CONADEH, 90 internal forced displacement complaints were filed by members of these peoples between 2016 and 2021, 1.2% of the total number of complaints received. Of these complaints, 34 were filed by Garifuna people, 23 by Lenca people, 12 by Pech people, 9 by Miskito people, 8 by Tolupan people, 2 by Tawahka people, and 2 by Maya Chortí people.¹⁵² The Commission was also made aware of the violent eviction of Tawahka people from the municipality of Wampusirpi by the military in August 2021¹⁵³ and of the continued risk of eviction faced by the Lenca community of Tierras del Padre by court order.¹⁵⁴

118. Based on the foregoing, the IACHR considers it necessary to intensify measures to guarantee the rights of indigenous peoples through effective processes to title, expand, disencumber, and protect the lands and territories of indigenous and Afro-descendant peoples. In view of the foregoing, the IACHR considers that this recommendation meets with **partial compliance**.

119. Regarding the recommendation to **establish a culturally appropriate procedure for enforcing the right to consultation and prior, free, and informed consent**, the State informed the Commission that the Special Committee of the National Congress in charge of the bill held a meeting with representatives of the 10 PIAHs, to disseminate it. Delegations from the following peoples participated: Miskitu-Masta, Lenca, Garífuna, Maya Chortís, Tawahka, Pech, Nahuas, Tolupan, Negros de Habla Inglesa, and Chorotega.¹⁵⁵

120. The State highlighted that despite not having a law passed, the Public Policy for Indigenous and Afro-Honduran Peoples promotes a culturally-appropriate procedure for participation, consultation, consent, and establishing effective mechanisms for PIAH consultation in order to obtain their prior, free, and informed consent prior to adopting legislative or administrative measures likely to affect their rights. Among the good practices, it highlighted:¹⁵⁶

- The process of consulting the Miskito Territorial Council of DIUNAT (Brus Laguna) on the implementation of the
- Photovoltaic Energy Project;
- Consultation with the people and Territorial Councils of the Moskitia on the oil exploitation project on the Moskitia coast, under the Bio-cultural Protocol of the Miskito People;
- Drafting of the document on Indigenous and Afro-descendant Cultural Safeguards based on the Declaration on the Rights of Indigenous Peoples and ILO Convention 169, within the framework of the project on Reducing Emissions from Deforestation and Degradation with a forest approach (REDD+), with PIAH participation;

151 FOSDEH, [¿Ley o no ley? No es la pregunta. Consentimiento Previo, Libre e Informado es la Respuesta](#), FOSDEH: Tegucigalpa, 202, pgs. 57-60.

152 CONADEH [Situación del Desplazamiento Forzado Interno en Honduras entre el 2016 y 2021](#), 2021, pg. 53.

153 [Criterio.hn, Militares desalojan comunidad de la Mosquitia hondureña](#), August 16, 2021.

154 [Radio Progreso, Suspenden desalojo a comunidad indígena Tierras del Padre en Francisco Morazán](#), November 11, 2021; [Criterio.hn, Detienen desalojo contra pobladores de Tierras del Padre, al sur de la capital Honduras](#), November 11, 2021.

155 State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 2021, pg. 21.

156 State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 2021, pg. 21.

- Drafting of the Forest Governance Protocols of the Nahua, Lenca, and Maya-Chortí peoples, presented on September 22, 2021, which will lay the groundwork for the drafting of the Consultation Law;
- The Lenca Indigenous Community building a hydroelectric power project with the support of the Ministry of Energy.

121. The IACHR takes note of the State's efforts to draft a law on the right of indigenous and Afro-descendant peoples to consultation and prior, free, and informed consent. However, it notes that the information provided by the State regarding the bill before the National Congress refers to the same bill that has been the subject of significant opposition by indigenous and Afro-descendant peoples who view it as harmful to their rights, as indicated in their observations from last year.¹⁵⁷

122. The IACHR appreciates the information provided by the State regarding consultations held with indigenous peoples. However, with respect to the oil exploration activity proposed for the Moskitia region, the IACHR reiterates its observations from the previous year regarding the information indicating that the consultation processes with the Miskito people were carried out after the approval of the contract related to the project and that other indigenous peoples of the region have not been consulted. Likewise, it takes note of concerns regarding the lack of information and transparency about the project and the possible social, cultural, and environmental impacts on the traditional territories and coastal areas of the indigenous and Afro-descendant peoples of the Atlantic Coast.¹⁵⁸

123. The IACHR takes note of other consultation processes indicated by the State, including for a photovoltaic energy project and a hydroelectric generation project built in a Lenca indigenous community. In this regard, it finds it needs more information on the consultation processes related to these activities—especially on the stage at which the consultations began, on their progress, and on the agreements signed, along with any other relevant information to assess compliance with international standards on consultation and free, prior, and informed consent. Similarly, with respect to an indigenous and Afro-descendant cultural safeguard within the framework of the REDD+ project and forest management protocols of the Nahua, Lenca, and Maya Chortí peoples, the IACHR would like to have more information on the respective preparation and consultation processes with indigenous peoples and the results of their implementation.

124. The Inter-American Commission takes note of the order of the Inter-American Court of Human Rights, of April 30, 2021, in the *Case of the Garifuna Community of Triunfo de la Cruz and its members v. Honduras*, in which the Court indicates that the State of Honduras must explain the effects that the passage of the bill on prior, free and informed consultation would have on article 82 of the Regulations of the General Mining Law and the obstacles that it poses to carrying out the consultation prior to authorization of prospecting or exploration programs.¹⁵⁹ In its observations on the draft of this report, the State indicated that on November 25, 2019, the Legislative Branch made amendments to Legislative Decree No. 109-2019 that amends by addition articles 22-A, 27-A, 56-A, 67-A, 76-A, 76-B, and 76-C of Decree No. 328-2011, which are pending evaluation by the Inter-American Court.¹⁶⁰

125. In addition, the IACHR notes with concern information on deficiencies in the implementation of prior consultation in Honduras. In this regard, the available information suggests that in the best of cases, these peoples have participated in processes called “consultations” without real capacity to influence the decisions by the State or businesses that impact them. According to the information available, in most cases they have been exposed to negotiation tools and mechanisms known as “dissemination processes” intended to

¹⁵⁷ IACHR, Annual Report 2020, Chapter V, Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras, paras. 108, 109.

¹⁵⁸ IACHR, Annual Report 2020, Chapter V, Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras, paras. 112;

¹⁵⁹ Inter-American Court of Human Rights, Order, [Case of the Garifuna Community of Punta Piedra and its members v. Honduras](#), April 30, 2021, pg. 6, para. 11

¹⁶⁰ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 8.

manage relations between companies, the community and the State.¹⁶¹ In its observations on the draft of this report, the State indicated that in terms of prior consultation and consent, targeted progress has been made with the Organización Nacional Indígena Lenca de Honduras (ONIL) and the Movimiento Unido del Pueblo Indígena Lenca de Honduras (MOPIL). This process was funded by the FAO and the European Union-Flegt. It indicated that progress had been made with the Lenca People, who have approved the Free, Prior, and Informed Consultation Protocol. In addition, the ICF is pending approval of the Indigenous Forestry Protocol, the drafting of which involved a prior consultation and consent procedure.¹⁶²

126. The IACHR notes with concern the allegations by indigenous peoples of a lack of real prior consultation regarding the construction of a highway in Moskitia and that the people who signed the agreement with the State were not authorized to represent the organizations and the affected communities.¹⁶³ In its observations on the draft of this report, the State indicated that the ICF filed the institutional technical reports with the Office of the Special Prosecutor for the Environment seeking an investigation to determine the origin of the funds for the construction of the highway, which does not have an environmental permit or a pre-authorized plan. The State indicated that the road is a threat to the area, since according to the field inspections carried out by the committee set up by the ICF, the road passes through the heart of the protected area.¹⁶⁴

127. The Commission also emphasizes the importance of the duty of consultation and free, prior, and informed consent in the context of the Employment and Development Zones (ZEDE). The Commission notes a serious risk to indigenous and Afro-descendant tribal peoples from the broad authorities that the ZEDES have in making use of their territories without their consultation and free, prior and informed consent, in violation of inter-American standards on the matter and endangering their lands, territories, and natural resources. According to information received by the Commission, 70% of the territories assigned to ZEDES correspond to protected areas and 28% to areas where these peoples live. In this regard, it observes that the entire northern Caribbean coast has been ceded to ZEDES, having a serious impact on the indigenous, Garífuna, and Creole peoples. In this regard, the UN indicated that approximately 35% of the Honduran territory is at the disposal of the ZEDES special regime, corresponding to "areas characterized by a high density of indigenous and Afro-descendant population, with a history of territorial conflicts." In this regard, it expressed concern about the process establishing the ZEDES, indicating that their "implementation could entail serious risks to the fulfillment of the general obligation of the State of Honduras to respect and guarantee the free and full exercise of the rights of all inhabitants, without discrimination" due to "the autonomy that these entities have with respect to the administration of public services, the justice system, and the penal system."¹⁶⁵ The IACHR, for its part, observed that the Miskito¹⁶⁶ and Lenca¹⁶⁷ peoples are strongly opposed to the ZEDES.

128. In view of the foregoing, the IACHR considers that this recommendation remains **pending compliance**.

129. With regard to the recommendation to **implement public policies that address the needs of the peoples in Moskitia**, the State informed the Commission that as part of the implementation of the Comprehensive Alliance Plan for Mosquitia in 2021, 57 new educational centers were added, for a total of 1,175 EIB centers, a 5% increase over the year 2020, established with their respective curricula. In 2021, there were

¹⁶¹ FOSDEH, [¿Ley o no ley? No es la pregunta. Consentimiento Previo. Libre e Informado es la Respuesta](#), FOSDEH: Tegucigalpa, 202, pg. 62.

¹⁶² State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 9.

¹⁶³ CONPAH, [Pronunciamiento de CONPAH en representación de los pueblos indígenas de la Moskitia Hondureña](#), February 5, 2021.

¹⁶⁴ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 9.

¹⁶⁵ UN. [Las ZEDE podrían suponer serios riesgos para la garantía de los derechos humanos por parte del Estado de Honduras](#), June 8, 2021.

¹⁶⁶ RCV.HN, [Los Miskitos dicen no a las ZEDE y se declaran en rebeldía constante](#), 12 de julio de 2021.

¹⁶⁷ COPINH, [Intibucá dice No a las ZEDES](#), August 30, 2021.

5,342 teachers serving a student population of 107,120 (49.7% women and 50.3% men). It indicated that the preschool, elementary, and middle school students benefit from 1,600,915 meals.¹⁶⁸

130. According to the information sent by the State, during 2021, 498 people were trained, including educational authorities, EIB coordinators, EIB technical assistants, leaders, and teachers at the decentralized level to enhance their skills for implementing classrooms within the framework of the EIB model. The expectation is that 81 workbooks will be delivered virtually covering the language and culture of the indigenous and Afro-Honduran peoples, along with the translation of 108 workbooks number two for the Miskitu, Negros de Habla Inglesa, Garífuna, and Tawahka peoples. It also highlighted that, in coordination with the General Directorate on Professional Development, the third edition of the "Training Diploma for Educators in Multicultural Techniques and Methodologies" has been developed, graduating 200 teachers who work in EIB educational centers. They will strengthen the development and implementation of appropriate and pertinent techniques for differentiated cultures.¹⁶⁹

131. The State indicated that it had drafted a protocol for the distribution of textbooks for elementary education and secondary education for national distribution, mainly for participants who live in neglected areas, under the strategy We Love You Studying at Home during COVID-19, with the purpose of ensuring the continuity of the educational process. The SEDUC is developing actions to expand education through the institutionalization and strengthening of initiatives carried out successfully in recent years, such as the community-managed educational modalities, alternative formal education programs, and the strengthening of bilingual intercultural education, which includes a curricular program prioritizing education in one's native language.¹⁷⁰

132. With respect to the information provided by the State, the IACHR values the progress made toward establishing EIB educational centers, preparing EIB workbooks, teacher training, and other activities related to promoting EIB at the national level. However, it reiterates the need for specific information on the implementation of these activities in Mosquitia, along with other information enabling assessment of activities to promote the culture, values, and languages of the indigenous peoples of that region. Likewise, the Commission would appreciate any information on the indigenous peoples of the region's degree of participation in the design and implementation of these educational programs and policies.

133. Additionally, the IACHR notes a lack of information on measures adopted to address the needs of the indigenous peoples of Mosquitia in terms of ESCER. In this sense, it reiterates the importance of reporting on measures aimed at responding comprehensively to the structural problems that prevent the enjoyment of the rights to health, education, and other ESCER of the indigenous peoples of the Mosquitia.

134. On the other hand, the IACHR takes note of the report of the International Organization for Migration indicating that "the living conditions in the Miskito communities have significant gaps that limit the population's opportunities for development. The inhabitants of the area have little access to the goods, services, and programs that would enable them to enjoy an adequate standard of living. In the department, the quality of and access to education, housing, health and food, as well as other basic services such as drinking water, sanitation, and electricity, are deficient in multiple ways."¹⁷¹ This is in addition to the problems that the indigenous peoples of Mosquitia face in terms of the effective enjoyment of their lands, territories, and natural resources due to conflicts caused by third party claims generating situations of violence, threats, and

¹⁶⁸ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 2021, pg. 22.

¹⁶⁹ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 2021, pg. 22.

¹⁷⁰ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 2021, pg. 22.

¹⁷¹ International Organization for Migration, [Análisis del contexto miskito en torno a las condiciones de vida, la discriminación, estigma y xenofobia desde las dinámicas migratorias y las prácticas sociales de su comunidad](#), 2021, pgs. 23 and 24.

displacement, thus inhibiting the capacity of indigenous territorial councils to manage their own resources and determine their development priorities.¹⁷²

135. The IACHR also takes note of the friendly settlement agreement in the *Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras*, in which the State recognized and committed to addressing the deficiencies in health and education in Mosquitia.¹⁷³ The Inter-American Court approved the agreement, in which the State recognized its international responsibility for the human rights violations indicated by the IACHR in its merits report, and with it, ordered reparations to address various structural problems in access to ESCER in Mosquitia.¹⁷⁴ The IACHR therefore finds that compliance with this ruling is of particular importance in assessing compliance with this recommendation regarding the implementation of public policies to address the needs of the indigenous peoples in the Mosquitia.

136. In view of the foregoing, the IACHR considers that this recommendation meets with **partial compliance**.

8. Recommendations regarding the Rights of Children and Adolescents

- 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.
- 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. In this sense, the State should prioritize the prevention and eradication of sexual violence, and include a broad participation of children and adolescents and civil society organizations.

137. 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**, the Commission observes that the State reiterated that the National Children Policy was drafted with the participation of civil society organizations that work on children and with the institutions that make up the Comprehensive System to Guarantee the Rights of Children and Adolescents in Honduras (SIGADENAH). The aim was to ensure that it meets this population's protection needs. Additionally, it indicated that within the framework of the Special Technical Assistance Roundtable (MESAT), both the policy and the action plan were shared with the IACHR in order to receive technical support.¹⁷⁵

138. In addition to this, the Commission observes that during the regular session of the National Council for Children and Adolescents of SIGADENAH, on October 1, 2021, it was reported that the National Policy for Children was awaiting fiscal impact analysis approval from the Department of Finance before it would be approved by the SIGADENAH Council.¹⁷⁶ In this regard, the IACHR recalls that in order to guarantee the rights of children and adolescents, States must adopt and apply a national policy on children that is aimed at effectively complying with the international obligations they have taken on. Likewise, it must have predictable and sufficient funding, and be based on a solid and reliable diagnosis of reality.¹⁷⁷

¹⁷²Inter-American Court, [Case of the Miskito Divers \(Lemoth Morris et al.\) v. Honduras](#), Judgment of August 31, 2021, para. 139.

¹⁷³Inter-American Court, [Case of the Miskito Divers \(Lemoth Morris et al.\) v. Honduras](#), Judgment of August 31, 2021, para. 150

¹⁷⁴Inter-American Court, [Case of the Miskito Divers \(Lemoth Morris et al.\) v. Honduras](#), Judgment of August 31, 2021, paras. 112-162.

¹⁷⁵State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 2021, pg. 14.

¹⁷⁶DINAF, [Consejo Nacional del SIGADENAH conoce avances de Paquete Legislativo en favor de la niñez](#), October 1, 2021.

¹⁷⁷IACHR, [Towards the Effective Fulfillment of Children's Rights: National Protection Systems](#), November 30, 2017.

139. The IACHR calls on the Honduran State to redouble efforts to move forward toward adopting and implementing the National Policy on Children. In addition, the IACHR reiterates its availability, within the scope of the MESAT, to provide support on compliance with this recommendation. The Commission therefore concludes that this recommendation is in **substantial partial compliance**.

140. In relation to 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**, the State reported on the development of the National Response Plan to Violence against Children and Adolescents 2021-2026, which would strengthen the prevention actions taken by different organizations at the municipal and local levels. It likewise indicated that the implementation of that plan would be strengthened by the Comprehensive System to Guarantee the Rights of Children and Adolescents.¹⁷⁸

141. However, the IACHR observes that there are still challenges regarding the protection of children and adolescents from violence by criminal groups. Regarding forced recruitment, the Commission notes that according to information from the United Nations High Commissioner for Refugees (UNHCR), more than half of the children and adolescents in the country are outside the educational system because they have dropped out of school. This increases their vulnerability to *maras* and gangs. Likewise, the report indicates that for girls, the threats take the form of sexual and gender-based violence. In addition, many of them continue to be the victims of trafficking and smuggling.¹⁷⁹ For its part, a report by Casa Alianza highlighted that 67% of the cases handled through February 2021 were related to recruitment or being forced to join *maras* and gangs of children.¹⁸⁰ Similarly, Human Rights Watch indicated that girls and boys subjected to forced recruitment by gangs were more likely to become internally displaced persons or try to leave the country.¹⁸¹

142. As for violence against children, figures from the Women's Human Rights Observatory of the Centro de Derecho de Mujeres indicate that as of November 15, 2021, a total of 48 homicides of girls and adolescents had been recorded.¹⁸² Regarding child pregnancy, civil society organizations informed the IACHR that an average of 70 girls gave birth every day, mostly as a result of sexual violence. In addition, they emphasized that the National Strategy to Reduce Adolescent Pregnancy does not include forced child pregnancy.¹⁸³

143. Regarding child labor, the Committee notes that according to figures from the National Institute of Statistics, at least 364,765 children and adolescents between the ages of 5 and 17 work in the country.¹⁸⁴ In its observations on the draft of this report, the State indicated that according to the 65th Permanent Multiple Purpose Household Survey, 2019, the total population of children in Honduras is 2,462,126, of which 364,765 (268,925 boys and 95,840 girls)—that is, 14.8%—are estimated to be engaged in child labor.¹⁸⁵ In this context, the IACHR was made aware of the cooperation agreement signed between the Ministry of Labor and World Vision Honduras, the purpose of which is to regulate the implementation of joint

¹⁷⁸ State of Honduras, follow-up report on compliance with the recommendations of the IACHR, October 2021, pg. 15.

¹⁷⁹ UNHCR: "[La protección de niños, niñas y adolescentes es uno de los pilares fundamentales del trabajo del ACNUR en Honduras: corresponden al 43% de la población desplazada](#)". February 26, 2021.

¹⁸⁰ Casa Alianza, [Informe Mensual de la Situación de los Derechos de las Niñas, Niños y Jóvenes en Honduras, febrero del 2021](#), March 18, 2021, p. 37.

¹⁸¹ Human Rights Watch, [World Report 2021](#), 2021, p. 310.

¹⁸² Women's Human Rights Observatory of the Centro de Derecho de Mujeres, [Femicidios según edad de las víctimas - 2021](#), November 15, 2021. Women's Human Rights Observatory of the Centro de Derecho de Mujeres, [Femicidios 2020 según edad de las víctimas](#), November 16, 2020.

¹⁸³ Information provided by civil society. (Virtual) meeting with IACHR, May 12, 2021.

¹⁸⁴ Department of Labor and Social Security, Honduras, "[Lanzan campaña para la eliminación del trabajo infantil](#)," April 14, 2021.

¹⁸⁵ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 9.

programs and projects that contribute, among other actions, to the eradication of child labor.¹⁸⁶ Likewise, a campaign to eliminate child labor was launched that seeks to unite efforts to promote actions to eradicate forced labor and child labor in all its forms by 2025.¹⁸⁷ In view of the above, the IACHR concludes that this recommendation is at the stage of **substantial partial compliance**.

9. Recommendations on Women's Rights

- 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. Also, to diligently investigate acts of violence against human rights defenders and other groups at particular risk identified in this report.
- 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.

144. The State presented information to the Commission on the progress and measures adopted during the period from January 1 to September 30, 2021, regarding gender equality, diversity, and interculturality,¹⁸⁸ as well as on the constitutional reform of articles 67 and 112 of the Constitution of the Republic of Honduras, within the framework of the powers established in article 41 of the American Convention on Human Rights.¹⁸⁹

145. Regarding the recommendation **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**, the State indicated that it is promoting the implementation of the Latin American Model Protocol for the investigation of gender-related killings of women, disseminated by the OHCHR. It reported that the case of Keyla Martínez was the first case investigated with a gender perspective. Likewise, it reported that the Inter-agency Commission for Following up on the Violent Deaths of Women and Femicide, under the auspices of the Justice Education Society, develops training processes like the First and Second Seminars on Criminal Investigation of the Crime of Femicide and Training Modules for Judges on Access to Justice for Girls, Women, and Sexually-diverse Persons who are the Victims of Crimes of Sexual Violence from a Gender Perspective. Finally, it reported that the Unified Femicide Information System is currently being built.¹⁹⁰

146. The Commission takes note of the implementation of training processes aimed at public officials at various agencies and levels on gender equality, prevention and care of gender-based violence, and inter-American standards on the human rights of women. Particularly noteworthy is the creation of the Virtual Gender School aimed at raising awareness and strengthening knowledge for dealing with gender-based violence, as well as training aimed at justice officials on gender equality, gender-based violence, and inter-American standards on access to justice for women, girls, and adolescents.¹⁹¹

¹⁸⁶ Ministry of Labor and Social Security, Honduras, "[La Secretaría de Trabajo y Seguridad Social y World Vision Honduras firman Convenio de Cooperación](#)", April 10, 2021.

¹⁸⁷ Department of Labor and Social Security, Honduras, "[Lanzan campaña para la eliminación del trabajo infantil](#)," April 14, 2021.

¹⁸⁸ State of Honduras, Report referring to Chapter IV, volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, October 15, 2021, pg. 32-34, 39.

¹⁸⁹ State of Honduras, Response to a request for information under Art. 41 of the ACHR—Constitutional Reform in Honduras, Document submitted to the IACHR, July 1, 2021. IACHR archives.

¹⁹⁰ State of Honduras, Observations of the State of Honduras to the Report on the Situation of Human Rights in Honduras 2019, October 2021, pg. 12.

¹⁹¹ State of Honduras, Report referring to Chapter IV, volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, October 15, 2021, pg. 10 and 11; State of Honduras, Report referring to Chapter IV, volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, October 15, 2021, pg. 32-34; Instituto Nacional de la Mujer [Boletín Trimestral Abril-Mayo-Junio 2021](#), November 11, 2021; Twitter, [tweet](#) from June 21, 2021; UNFPA. [UNFPA busca disminuir la violencia contra las mujeres en albergues](#), March 1, 2021; Office of the Public Prosecutor of the Republic of Honduras. [120 policías reciben formación para prevención de violencia doméstica](#), May 14, 2021; Office of the Public Prosecutor of the Republic of Honduras. [Imparten](#)

147. Additionally, the State reported on measures taken to strengthen the comprehensive care and protection mechanisms for women victims of gender-based violence. In this regard, it highlighted the recent opening of the sixth Women's City Center in the city of Choluteca, where care has been provided to 2,700 users.¹⁹² It also reported that the Office of the Public Prosecutor currently has 25 Specialized Comprehensive Care Modules (MAIE) nationwide to provide care and protection to women victims of gender-based violence, and to vulnerable victims and witnesses.¹⁹³

148. However, the Commission takes note of the persistence of gender-based violence against women, especially femicidal, sexual, and domestic violence. As reported by the State, from 2017 to June 2021, the MAIE received 23,906 complaints from victims of violence—including women and people in vulnerable situations—of which 12,886 corresponded to domestic violence against women; 163 were complaints of harassment; and 2,029 were for sexual assaults.¹⁹⁴ According to data from the National Emergency System (911), from January 1 to October 31, 2021, there were 51,053 reports of domestic violence.¹⁹⁵ Regarding security measures to protect women victims of gender-based violence, the State reported that from 2017 to June 2021, the MAIE implemented 7,260 security measures.¹⁹⁶ Specifically, from January to September 2021, 1,260 were implemented.¹⁹⁷

149. Likewise, according to information compiled by the National Institute for Women through the National Gender Observatory, from January 1 to June 30, 2021, 139 violent deaths of women and femicides were documented.¹⁹⁸ In this regard, the Commission takes note of the information received by civil society organizations who reportedly documented, as of November 30, 2021, 314 violent deaths of women and femicides.¹⁹⁹ Likewise, the IACHR learned of the violent death of Keyla Patricia Martínez that occurred in February 2021 while she was in police custody.²⁰⁰

150. The Commission recalls the obligation to guarantee means that the investigation, punishment, and reparation of acts of gender-based violence against women must be carried out with strict due diligence, using a gender perspective and an intersectional approach, with the ultimate objective of preventing its repetition. Likewise, it recalls the importance of adopting comprehensive prevention strategies, which address risk factors while at the same time strengthening institutions so that they can provide an effective response to cases of violence against women, addressing the different manifestations and contexts in which it occurs.²⁰¹

[taller de Sensibilización de Género en Comayagua](#), September 1, 2021; Office of the Public Prosecutor of the Republic of Honduras. [Imparten taller de sensibilización de género en Tegucigalpa](#), September 23, 2021

¹⁹² State of Honduras. Response to a request for information under Art. 41 of the ACHR—Constitutional Reform in Honduras, Document submitted to the IACHR. July 1, 2021, pg. 6. IACHR archives. Instituto Nacional de la Mujer; [Boletín Trimestral Abril-Mayo-Junio 2021](#), November 11, 2021, pg. 16

¹⁹³ State of Honduras, Report referring to Chapter IV, volume 1 Section “A” of the Rules of Procedure of the Inter-American Commission on Human Rights, October 15, 2021, pg. 39; Public Prosecutor of the Republic of Honduras, [MAIE cuenta con 25 oficinas a nivel nacional para atender a grupos vulnerables](#), June 29, 2018.

¹⁹⁴ State of Honduras, Report referring to Chapter IV, volume 1 Section “A” of the Rules of Procedure of the Inter-American Commission on Human Rights, October 15, 2021, pg. 39.

¹⁹⁵ Centro de Derechos de Mujeres CDM, [Observatorio de violencias contra las mujeres 2021](#), accessed on December 3, 2021.

¹⁹⁶ State of Honduras, Report referring to Chapter IV, volume 1 Section “A” of the Rules of Procedure of the Inter-American Commission on Human Rights, October 15, 2021, pg. 39.

¹⁹⁷ Public Prosecutor of the Republic of Honduras. [MAIE impone 1260 medidas de seguridad contra agresores de mujeres víctimas de violencia de género](#), November 26, 2021

¹⁹⁸ INAM. [Boletín Trimestral sobre muertes violentas de mujeres y femicidios “mvmf” en Honduras](#), November 9, 2021

¹⁹⁹ Centro de Derechos de Mujeres CDM, [Observatorio de violencias contra las mujeres 2021](#), accessed on December 3, 2021.

²⁰⁰ OHCHR Honduras. [OACNUDH condena la muerte violenta de Keyla Martínez bajo custodia policial y urge a las autoridades a una investigación pronta, exhaustiva e imparcial](#), 10 de febrero de 2021

²⁰¹ IACHR. [Access to Justice for Women Victims of Violence in the Americas](#). OEA/Ser. L/V/II. doc. 68. 2007, para. 298.

151. Regarding the femicides of trans women, the State did not provide information. In this regard, the IACHR observes that, according to figures from civil society organizations, from 2009 to September 2021, a total of 392 violent deaths of LGBTI persons were documented: 46 lesbians, 223 gay men, and 123 trans persons.²⁰² The Commission recalls the importance of producing comprehensive, disaggregated, and regularly updated statistics that make it possible to identify the specific ways in which violence affects the most vulnerable groups of women—such as trans women—in order to assess the effectiveness of measures to prevent, punish, and eliminate violence, as well as formulate and apply the necessary changes.²⁰³

152. The Commission also received information about the persistence of attacks on women human rights defenders.²⁰⁴ According to information received, from 2008 to September 2021, a total of 28 deaths of activists and defenders of the rights of LGBTI persons were recorded in Honduras (9 gay persons, 16 trans persons, and 3 lesbian women), with these cases characterized by high levels of impunity.²⁰⁵ In particular, the Commission learned of the murder in 2021 of Vanessa Zúñiga and Tatiana García, trans women activists and human rights defenders.²⁰⁶ Additionally, the Commission learned of declarations by high-ranking authorities and electoral campaigns that promote hate speech against women who choose to exercise their sexual and reproductive rights, as well as against defenders of the rights of LGBTI persons and women's rights.²⁰⁷

153. The Commission reiterates that, in view of the duty of enhanced due diligence, acts of violence against women human rights defenders must be investigated, punished, and redressed with a gender perspective and an intersectional approach, taking into account the specific risks that certain women face. In this regard, the Commission warns that women who defend human rights with regard to issues that in themselves challenge established socio-cultural patterns face enhanced risk of specific acts of violence against them; such is the case for defenders of sexual and reproductive rights, women's rights, and the rights of LGBTI persons.²⁰⁸

154. Additionally, the IACHR warns that although official statements may not authorize, direct, or incite violence, their content or message can often put potential victims of violence in greater jeopardy.²⁰⁹ It therefore urges the State to refrain from making such statements and adopt a public discourse that contributes to preventing discriminatory violence, particularly against women and LGBTI persons.

155. The IACHR lauds the progress made on access to justice reported by the State. Regarding crimes of sexual violence against women, it highlighted that in September 2021, the Special Prosecutor's Office

²⁰² Red Lésbica Cattrachas. Follow-up on Compliance with the Recommendations 2019—Report on Human Rights Situation in Honduras regarding LGBTI issues, 2021, pg. 5. IACHR archives.

²⁰³ 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

²⁰⁴ IACHR, press release 277/2021: [The IACHR issues precautionary measures in favor of Ligia del Carmen Ramos, in Honduras](#), October 15, 2021; IACHR. Promotional virtual working visit to Honduras—Meeting with organized civil society in Honduras, May 12, 2021. IACHR archives.

²⁰⁵ Red Lésbica Cattrachas. Follow-up on Compliance with the Recommendations 2019—Report on Human Rights Situation in Honduras regarding LGBTI issues, 2021, pg. 3. IACHR archives.

²⁰⁶ OHCHR in Honduras. [OACNUDH condena el asesinato de la mujer trans y defensora de derechos humanos Tatiana García](#), September 28, 2021; *La Prensa*, [CONADEH condena asesinato de mujer trans en tela](#), April 4, 2021.

²⁰⁷ Reportar sin miedo. [JOH llama “enemigos de la independencia” a defensores de derechos de poblaciones LGBTQ+ las mujeres y el territorio](#), September 15, 2021; CESPAD. [La campaña de odio hacia las mujeres, detrás de la campaña política del partido del gobierno](#), November 10, 2021; *El Herald*. [Mujeres de Libre interponen denuncia contra Partido Nacional por incitar odio en campañas](#), November 12, 2021.

²⁰⁸ IACHR. [Violence and discrimination against Women and Girls](#), OEA/Ser.L/V/II. Doc. 233, November 14, 2019, para. 127

²⁰⁹ Inter-American Court. *Case of Ríos et al. v. Venezuela*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of January 28, 2009. Series C No. 194, para. 138; Inter-American Court. *Case of Perozo et al v. Venezuela*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of January 28, 2009. Series C No. 195, para. 157; IACHR. [Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#). OAS/Ser.L/V/II.rev.2 Doc. 36. 2015, para. 242.

for the Protection of Women (FEP-Mujer) filed a request for indictment against 107 attackers.²¹⁰ Regarding violent deaths of women and femicides, the State reported that, in total, from 2017 to June 2021, the Special Prosecutor for Crimes Against Life (FEDCV) records 951 cases investigated, 264 requests for indictments, and 196 convictions. In particular, in the period from January to August 2021, the FEDCV documented 70 investigated cases, 40 requests for indictment, and 24 convictions at the national level.²¹¹

156. However, the Commission also received information from civil society and CONADEH indicating that more than 90% of the femicides registered between January 1 and September 30, 2021 remain in impunity.²¹² Also, in the framework of its virtual promotional work visit to the State, the Commission received information on the prevalence of impunity for sex crimes.²¹³ Regarding the violent deaths of LGBTI persons, the Commission was informed that of the 392 deaths recorded between 2009 and September 2021, only 85 cases have been prosecuted and 36 convictions have been handed down, leaving 91% of cases in impunity. They emphasize that in none of the cases in which a conviction has been handed down in the violent death of a trans person has the aggravating circumstance of the crime been applied for having been committed based on prejudice due to the victim's gender identity.²¹⁴

157. The Commission indicated the negative repercussions of a failure to investigate and punish acts of gender-based violence with due diligence and prevent their repetition; in particular, it sends a message to society that such violence is tolerated or is not a serious problem, and fosters its perpetuation. For this reason, the IACHR has urged States to combat the pattern of impunity in cases of violence against women through effective investigations and consistent prosecution, thus guaranteeing adequate punishment and reparation.²¹⁵ In the case of women in whom two or more factors of discrimination intersect—as is the case of trans women—the IACHR highlights the importance of adopting a differentiated and intersectional approach for mechanisms of judicial protection to eliminate the particular barriers they face in accessing justice.

158. The Commission views positively the State's efforts in relation to care, prevention, and protection against gender-based violence, as well as the efforts related to access to justice for women victims of violence. However, it warns of the persistence of high rates of violence and impunity in cases of violence against women and LGBTI persons. Also of concern is the lack of comprehensive, disaggregated, and up-to-date statistics on violence against women, particularly trans women, which makes it harder not only to identify the specific ways in which violence affects the most vulnerable groups among women, but to measure progress on compliance with this recommendation. Therefore, the Commission considers that this recommendation continues to be met with **partial compliance**.

159. As regards 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**, the State reported that a general prevention policy has been adopted. In this sense, in terms of legislative measures, it highlighted that two draft bills on the prevention of teen pregnancy are currently before the National Congress of the Republic, along with others on comprehensive

²¹⁰ State of Honduras, Report referring to Chapter IV, volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, October 15, 2021, pg. 39; Public Prosecutor of the Republic of Honduras, [Fiscalía de la Mujer presenta requerimientos fiscales contra 107 agresores de mujeres en "Operación Omega IX"](#), September 28, 2021.

²¹¹ State of Honduras, Report referring to Chapter IV, volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, October 15, 2021, pg. 39.

²¹² Red Lésbica Cattrachas. Follow-up on Compliance with the Recommendations 2019—Report on Human Rights Situation in Honduras regarding LGBTI issues, 2021, pg. 4. IACHR archives; CONADEH. [Defensora del Pueblo de Honduras reitera su llamado a frenar la violencia contra las mujeres](#), September 20, 2021.

²¹³ IACHR. Promotional virtual working visit to Honduras—Notes from meeting with organized civil society in Honduras, May 12, 2021. IACHR archives.

²¹⁴ Red Lésbica Cattrachas. Follow-up on Compliance with the Recommendations 2019—Report on Human Rights Situation in Honduras regarding LGBTI issues, 2021, pg. 5. IACHR archives.

²¹⁵ IACHR. Violence and discrimination against Women and Girls. [Annex 1. Standards and Recommendations](#), OEA/Ser.L/V/II. Doc. 233, November 14, 2019, para. 64 and 65

education and sexuality. Also, two bills on the prevention of child marriage and on responsible fatherhood and motherhood moved forward.²¹⁶

160. Likewise, the State reported some measures adopted with the objective of preventing teen pregnancy. In this regard, it highlighted the implementation of training programs for adolescents—both in school and outside it—on gender and women's human rights;²¹⁷ the launch of the virtual System for the Prevention of Adolescent Pregnancies (SISPEA) platform; and the enhancement of comprehensive sexuality education as a measure of protection and prevention of pregnancy in adolescents.²¹⁸ Likewise, the State reported that from 2017 to July 1, 2021, more than 21,000 sexual and reproductive health services were provided, as well as 58,000 cases of support provided to adolescents in the Ciudad Mujer centers. It also reported in general on the implementation of guidelines for treating pregnant women and the timely management of patients suspected of or confirmed as having COVID-19, as well as the provision of more than 900,000 care services for cervical and uterine cancer, breast cancer, family planning and pregnancy prevention.²¹⁹

161. However, the IACHR observes with extreme concern the amendment of articles 67 and 112 of the Constitution of the Republic of Honduras approved in January 2021. Of particular concern are the changes made to article 67 to make prohibited and illegal any form of pregnancy termination, whether by the pregnant person or by a third party, and enshrine protection of life from conception in the constitution. The reform established that only by means of a qualified majority of three quarters of all the members of the Plenary of the National Congress can this prohibition be modified, despite the fact that article 373 of the Constitution establishes that the constitution may be amended by two-thirds of all members of Congress. In addition, it provides that the provisions of articles 67 and 112 will not lose effect or cease to be applicable when they are supposedly repealed or modified by another constitutional precept, such that any contrary legal provisions created subsequently will be null and void.²²⁰

162. Additionally, in the framework of the 180th Period of Sessions, the Commission received information from civil society organizations indicating that they were not included in the process of debating amendment of articles 67 and 112 of the Constitution. Likewise, they reported that between 50,000 and 80,000 Honduran women resort to the voluntary pregnancy termination through unsafe medical services, indicating that abortion is the second leading cause of hospitalization for women in Honduras, and that the maternal mortality rate is 73 per 100,000 births. They noted the lack of comprehensive sex education in schools, and reported that in 64% of the cases of criminal prosecution of women for pregnancy termination, the complaints are filed by medical staff, in violation of the principle of confidentiality and professional medical secrecy.²²¹

163. The Commission reiterates that the absolute criminalization of the voluntary pregnancy termination—including cases where the pregnancy is the result of rape or incest or places the health or life of the pregnant person at risk—imposes a disproportionate burden on the exercise of the human rights of women, exposing them to health risks and high mortality rates due to the practice of unsafe abortions.²²² In this sense, the IACHR urges the State to adopt legislation that is compatible with inter-American standards on the protection and guarantee of sexual and reproductive rights and urges it to refrain from adopting regressive

²¹⁶ State of Honduras. Response to a request for information under Art. 41 of the ACHR—Constitutional Reform in Honduras, Document submitted to the IACHR. July 1, 2021, pg. 3. IACHR archives.

²¹⁷ State of Honduras. Response to a request for information under Art. 41 of the ACHR—Constitutional Reform in Honduras, Document submitted to the IACHR. July 1, 2021, pg. 4. IACHR archives.

²¹⁸ State of Honduras. Response to a request for information under Art. 41 of the ACHR—Constitutional Reform in Honduras, Document submitted to the IACHR. July 1, 2021, pg. 5. IACHR archives.

²¹⁹ State of Honduras. Response to a request for information under Art. 41 of the ACHR—Constitutional Reform in Honduras, Document submitted to the IACHR. July 1, 2021, pg. 4. IACHR archives.

²²⁰ Legislative Branch. [La Gaceta Sección A Acuerdos y Leyes No. 35.500](#), January 28, 2021.

²²¹ IACHR, [Hearing on Sexual and Reproductive Rights in Honduras, Period of Sessions No. 180](#), held within the framework of the 180th Period of Sessions, June 24, 2021.

²²² IACHR. Press release 208/2021, [IACHR Expresses Concern Over the Adoption of Regressive Measures Concerning Sexual and Reproductive Rights in the Americas](#), August 11, 2021.

measures that hinder the exercise of these rights for women, girls, adolescents, and persons with the ability to bear children.

164. Additionally, in the framework of its virtual promotional working visit to the State conducted between May 11 and 13, the Commission received information indicating that the use, sale, distribution, and purchase of emergency contraceptives remains prohibited. In this regard, the State reported that the possibility of revising this prohibition is being discussed.²²³ Likewise, civil society organizations informed the Commission that Ciudad Mujer does not provide contraception and indicated that the National Strategy to Reduce Teen Pregnancy does not make any reference to forced pregnancy as a result of sexual violence, noting that on average, girls give birth to 70 children per day.²²⁴

165. The Commission appreciates the State's efforts on the prevention of teen pregnancy, as well as on the provision of sexual and reproductive health services. However, it observes with extreme concern the persistence and enhancement of legislative and practical measures banning access without exception to voluntary pregnancy termination, as well as to emergency contraceptive methods. Likewise, it takes note of the obstacles to access to contraceptive methods and comprehensive sexual education with a gender perspective. In this sense, the Commission warns that serious *de jure* and *de facto* obstacles to the full exercise of the sexual and reproductive rights of women, girls, and adolescents remain, and it therefore finds that this recommendation continues to meet with **partial compliance**.

10. Recommendations regarding the Rights of LGBTI Persons

- To 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.

166. Regarding the recommendation to **refrain from approving regulations that discriminate or have discriminatory effects against LGBTI persons**, the State informed the Commission that in 2020, the General Directorate of the Protection System (DGSP) implemented the Manual for the Application of Gender and Intersectional Approaches for handling cases involving women and LGBTI persons, and in 2021, with the assistance of OHCHR, operational personnel were trained on using it.

167. However, during 2021 the IACHR received information that could indicate the violation of the rights of LGBTI persons. In this regard, the IACHR took note of the constitutional reform approved by the National Congress on January 21, 2021. That reform established that the future amendments to articles 67 and 212—banning voluntary pregnancy termination and equal marriage, respectively—must be approved with a qualified majority of three quarters of the votes in the National Congress, despite the fact that Article 373 of the Constitution establishes that amendments to the constitution only require a two-thirds majority. In addition, the 2021 reform indicates that articles 67 and 112 will not lose effect or cease to be applicable if repealed or amended under another constitutional precept, such that opposing legal provisions created subsequently will be null and void.²²⁵

168. According to information from civil society organizations, the constitutional reform related to same-sex marriage was approved without prior notice and dissemination, even within the National Assembly.²²⁶ Given this, the IACHR requested information from the State, including details on the parliamentary

²²³ IACHR. Promotional virtual working visit to Honduras. Virtual meeting with the Instituto Nacional de la Mujeres, May 11, 2021. IACHR archives.

²²⁴ IACHR. Promotional virtual working visit to Honduras. Virtual meeting with civil society organizations, May 11, 2021. IACHR archives.

²²⁵ Legislative Branch. [La Gaceta Sección A Acuerdos y Leyes No. 35.500](#), January 28, 2021.

²²⁶ *Washington Blade*, [Red lésbica presenta recurso de inconstitucionalidad por reformas de constitución hondureña](#), February 22, 2021.

process and the dissemination of the constitutional reform proposal, among other aspects. The State only referred to the dissemination process of the amendment to article 67, without providing information on the same-sex marriage proposal.²²⁷

169. In this regard, the Commission notes that the constitutional amendment strengthens the prohibition of same-sex marriage. In this sense, the Commission reiterates that, in light of the American Convention on Human Rights, the concept of family must be understood in broadest way possible to guarantee the recognition of diverse emotional ties and respect the sexual orientations and gender identities of persons, as well as protect the children and adolescents who are part of these families.²²⁸ Likewise, the IACHR recalls that in its Advisory Opinion No. 24/17, the Inter-American Court established that States must guarantee access to all legal arrangements existing in domestic legal systems to ensure the protection of all the rights of families comprised of same-sex couples, without discrimination with respect to those comprised of heterosexual couples.²²⁹

170. Regarding violence against LGBTI persons, the State did not provide information on the measures implemented to prevent, investigate, punish, and provide reparations for such violence. However, the Commission welcomes the support and visibility that the CONADEH-Office of the Ombudsperson has provided in cases of violence and discrimination against LGBTI persons.²³⁰

171. However, the IACHR expresses concern at statements by high-ranking State authorities, including statements by the president himself, who indicated that LGBTI persons represent a threat to the independence of the State for "attacking Christian principles and the concept of family," adding that promoting equal marriage endangers children and adolescents and that "gender ideology seeks to ignore how God brings a boy and a girl into the world (...)." ²³¹ These statements come in a regional context observed by the IACHR, in which the term "gender ideology"—used as a pejorative for the gender approach—is used in narratives that attempting to justify measures that run contrary to the right to equality and no-discrimination of LGBTI persons²³² and that can foster an environment of tolerance of violence based on prejudice against diversity.

172. The IACHR reiterates the relationship that exists between the statements of senior authorities and preventing violence and discrimination against LGBTI persons. In its report on Violence against LGBTI persons, the Commission underscored that positive public statements issued by senior State authorities are essential for eradicating discrimination and stigma against LGBTI persons in view of the crucial role they play in guiding the social change necessary to fight discrimination and social prejudice.²³³ In this regard, the Commission has indicated that the States must call on State authorities to refrain from making public statements or using the State media for public campaigns that could encourage violence against people based on their sexual orientation or diverse gender identities, gender expression, or sex characteristics.²³⁴

²²⁷ State of Honduras, Official Letter SEDH-PM-023-2021, response to the IACHR's request for information on constitutional amendment in Honduras, available in the IACHR archives.

²²⁸ IACHR, Towards the Effective Fulfillment of Children's Rights: National Protection Systems, OEA/Ser.L/V/II. Doc.206/17, 2017, para. 408.

²²⁹ Inter-American Court. OC-24/17, Gender identity and equal protection, and nondiscrimination for same-sex couples. Advisory Opinion OC-24/17 of November 24, 2017 requested by the Republic of Costa Rica, November 24, 2017, para. 199.

²³⁰ CONADEH, [Violencia, estigma y discriminación contra personas LGTBI son graves violaciones a sus derechos humanos](#), November 24, 2021.

²³¹ [Reportar sin miedo, IOH llama "enemigos de la independencia" a defensores de derechos de poblaciones LGBTIQ+, las mujeres y el territorio, 15 de septiembre de 2021.](#)

²³² IACHR, Press Release 198/21, [The IACHR calls on the States of the Region to apply the gender approach as a tool to combat structural discrimination against women and LGBTI persons](#), July 29, 2021.

²³³ IACHR, Violence against Lesbians, Gays, Bisexuals, Trans and Intersex persons (LGBTI) in the Americas, November 12, 2015, para. 433.

²³⁴ IACHR, Progress on and challenges to recognizing the rights of LGBTI persons, 2019, recommendation 24.

173. Additionally, the State did not provide information on initiatives to investigate, punish, and provide redress in cases of violence against LGBTI persons, including statistical information on the cases reported during 2021. The IACHR expresses its concern and reiterates that the State must have information and reporting systems in place that explicitly include variables on sexual orientation, gender identity, gender expression, and sex characteristics. Access to information and disaggregated statistics is a crucial tool for evaluating the effectiveness of measures intended to prevent, punish, and eradicate violence against LGBTI persons and for devising any other change to State policies that may be necessary to address prejudice-based violence.²³⁵

174. The Commission highlights that the judgment in the *Case of Vicky Hernández v. Honduras*, issued by the Inter-American Court in 2021, ordered the State to design and implement a system for collecting data and figures on cases of violence against LGBTI persons in order to accurately and uniformly assess the type, prevalence, trends, and patterns of violence and discrimination against LGBTI people.²³⁶ According to reports from civil society organizations, as of September 2021, at least 17 murders of LGBTI people had been reported in the country.²³⁷ Likewise, the impunity rate in cases of lethal violence against LGBTI persons remains at 90%.²³⁸ Given this situation, according to information provided by the Red Lésbica Cattrachas, violence against LGBTI people and impunity for it have forced survivors to migrate and request international protection in other States.²³⁹

175. In its observations on the draft of this report, the State indicated that with regard to progress in complying with the judgment in the Vicky Hernández case, it was working with the OAS's PUICA on a reform proposal that would allow trans persons to change their names to match their self-perceived identities. In addition, together with the JES program of Canada, an investigation protocol for crimes committed against LGBTI persons is being drafted.²⁴⁰

176. The Commission calls on the State to take the measures necessary to act with due diligence to prevent, investigate, punish, and provide reparations for violence against LGBTI persons. In view of the foregoing, the IACHR finds that this recommendation continues to meet with **partial compliance**.

11. Recommendations regarding the Rights of Internally Displaced Persons

- 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, 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.

²³⁵ IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, OEA/SER.L/V/II Rev.2.Doc. 36, (2015), recommendation 1.

²³⁶ Inter-American Court, *Vicky Hernández et al. v. Honduras*, Merits, reparations and costs. Judgment of March 26, 2021. Series C No. 442, para. 179.

²³⁷ *Washington Blade*, [Asesinan a Erika Tatiana 10 días después del discurso de odio de JOH contra personas LGBTQ en Honduras](#), September 28, 2021.

²³⁸ PBI Honduras, [Mesa de Acceso a la Justicia LGTB, contra la discriminación y la impunidad](#), 2021; Red Lésbica Cattrachas, report sent to the IACHR for the preparation of the Annual Report, in the IACHR's archives.

²³⁹ Red Lésbica Cattrachas, report sent to the IACHR for the preparation of the Annual Report, available in the IACHR's archives.

²⁴⁰ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 9.

177. In its report, the IACHR recommended that the State of Honduras **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, as well as ensure that evictions of indigenous communities, peasants, and other vulnerable groups are carried out strictly in accordance with human rights norms and standards and the principles of exceptionality, legality, proportionality, and suitability.

178. In this regard, the State reported on a series of actions carried out through the Directorate for the Protection of Persons Internally Displaced by Violence. Specifically, it highlighted the implementation of a pilot plan for humanitarian assistance and lasting solutions for dealing with cases of people internally displaced by violence, developed in conjunction with the United Nations High Commissioner for Refugees (UNHCR).²⁴¹

179. Likewise, it indicated that a total of 212 public officials were trained. The topics addressed in the training sessions were related to: i) the study on how internal displacement is characterized in Honduras;²⁴² ii) the bill on prevention, support, and protection for people displaced by violence; iii) durable solutions; iv) emergency humanitarian assistance, and v) the course of the institutional response to internal displacement in Honduras. Finally, it indicated that five inter-agency coordination agreements had been signed, although it did not specify what each one involved.²⁴³

180. For its part, the IACHR learned of the signing of the Letter of Understanding between CONADEH and the Honduran Red Cross (CRH) for humanitarian assistance and protection of people in a situation of mobility. According to available information, the aim is to strengthen existing national protection mechanisms and institutional capacities on issues related to the protection of the human rights of, among others, victims of internal displacement caused by violence and relatives of missing migrants.²⁴⁴

181. As regards the measures aimed at preventing internal displacement, in a press release dated January 27, 2021, the Inter-American Commission and the UN Special Rapporteur on the human rights of internally displaced persons noted the gravity of the situation of internal displacement in Honduras. This is due to, among other things, high rates of violence in the country; actions of criminal organizations; the impacts of the COVID-19 pandemic; and natural phenomena. Both organizations indicated that the prompt adoption of a new legal framework and its effective implementation would improve the State's compliance with its international obligations on forced displacement.²⁴⁵

182. In addition, the IACHR notes that according to the most up-to-date figures from the Internal Displacement Monitoring Center (IDMC), during 2020, there were a total of 937,000 new displacements related to natural disasters.²⁴⁶ This figure represents an increase of 240,000% compared to 2019.²⁴⁷ In particular, the IDMC highlighted that the floods caused by storms Eta and Iota caused around 175,000 displacements, outstripping the number of displacements reported during the previous 12 years combined.²⁴⁸ Likewise, it

²⁴¹ State of Honduras, follow-up report on compliance with the recommendations of the IACHR, October 2021, pg. 22.

²⁴² IACHR, [Annual Report: Chapter V, Honduras](#), 2020, para. 181.

²⁴³ State of Honduras, follow-up report on compliance with the recommendations of the IACHR, October 2021, pg. 22 and 23.

²⁴⁴ CONADEH, "[El CONADEH y la Cruz Roja Hondureña firman carta de entendimiento para la asistencia humanitaria y protección de derechos de las personas en movilidad](#)", August 19, 2021. SEDH, "[Equipos técnicos de la SEDH fortalecerán capacidades para la respuesta y atención de personas desplazadas](#)", July 15, 2021.

²⁴⁵ IACHR, [Press release 14/21 - Honduras: UN and IACHR Experts Urge Immediate Adoption of Law to Protect Internally Displaced People](#), Washington DC, January 27, 2021.

²⁴⁶ IDMC, [Internal displacement in a changing climate](#), May 10, 2021, p. 21.

²⁴⁷ IACHR, [Annual Report, Chapter V "Honduras"](#), 2020, para. 182.

²⁴⁸ IDMC, [Internal displacement in a changing climate](#), May 10, 2021, pg. 65. IACHR, Press release 276/20 - [IACHR and REDESCA Express Solidarity with People Affected by Hurricane Eta in the Americas and Call on States and the International Community to Address Their Predicament](#), Washington, D.C., November 17, 2020.

noted that there is no information on new events during 2020 causing displacement due to conflicts and violence.²⁴⁹ It added that although a drop in the percentage of homicides was reported during 2020, it was not possible to verify its impact on displacement.²⁵⁰

183. As regards **ensuring that evictions of indigenous communities, campesinos, 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**, the IACHR learned of the execution of at least two evictions during 2021. In this context, the Centro de Estudio para la Democracia (CESPAD) publicly denounced that on February 5, 2021, approximately 44 families from the campesino settlements “Men and women of faith” and “United to the countryside” had been evicted in the municipality of Guaimaca, Francisco Morazán department. According to publicly-available information, the families had lived there for at least 12 years and were not notified of the launch of the eviction procedure. In addition to the lack of notification, CESPAD reported that the police employed threats and excessive force, using a bulldozer to destroy the homes of the evicted families.²⁵¹ In response, the families chose to leave to protect their lives.²⁵²

184. Additionally, publicly-available information indicates that on August 11, 2021, the Armed Forces used excessive force to evict a group of people belonging to the Miskito indigenous community in Wampusirpe, Gracias a Dios department.²⁵³ According to the information available, these persons were removed because they were located in the middle of a protected area.²⁵⁴ For their part, the Armed Forces indicated that they only provided support for the Inter-agency Task Force for the Environment—comprised of the Forest Conservation Institute (ICF), the Office of the Public Prosecutor, the Office of the Attorney General of the Republic, the National Police, and the Courts of the of Gracias a Dios jurisdiction—and said that contrary to what was reported in the media, the houses were not burned. They also indicated that the eviction was carried out in adherence to internal Honduran procedures.²⁵⁵

185. However, the IACHR notes that, in a resolution issued August 3, 2021, the Puerto Lempira Departmental Court of First Instance, Gracias a Dios ordered the Wampusirpe Peace Court: i) to evict the community; ii) to demolish seven houses; iii) to destroy crops, paddocks, stables, and dairy processing tables; and iv) to seize and confiscate livestock.²⁵⁶

186. The State reiterated in its observations on the draft of this report that the eviction had been carried out in accordance with the current legal framework. Additionally, it indicated that to execute the order, seven executing judges, seven human rights guarantors, representatives of CONADEH, and representatives of the PGR were appointed, according to the official documentation. It indicated that in compliance with the court order, a dialogue was held with the owners of the houses, who were given the opportunity to dismantle the houses that were located in a core part of a protected area and remove their belongings. They were given 15

²⁴⁹ IDMC, [Honduras. Displacement associated with Conflict and Violence Figures Analysis](#), 2020, pg. 1.

²⁵⁰ IDMC, [Internal displacement in a changing climate](#), May 10, 2021, pg. 63.

²⁵¹ CESPAD, “[Municipalidad de Guaimaca envía a la calle a 44 familias](#)”, February 6, 2021. Farmlandgrab, [Desalojos en tiempo de crisis Honduras](#), February 15, 2021. *Criterio.hn*, [Desalojan a campesinos en tierras de Guaimaca](#), February 6, 2020. *HCH*, [Vecinos de Guaimaca se quedan sin techo tras desalojo](#), February 5, 2021.

²⁵² CESPAD, [ALERTA Municipalidad de Guaimaca envía a la calle a 44 familias](#), 2021.

²⁵³ *Criterio HN*, “[Militares desalojan comunidades de la Mosquitia hondureña](#)”, August 16, 2021. *Confidencial HN*, [Organizaciones Misquitas Interpondrán Denuncia Internacional Por Desalojo Violento En Wampusirpi](#), August 17, 2021. *Tiempo*, [Por “proteger al ambiente”, desalojan comunidad en Gracias a Dios](#), August 16, 2021.

²⁵⁴ Under the Forest, Protected Areas, and Wildlife Act, new settlements are prohibited in protected areas. Anyone who had settled in the central areas 10 years prior to the entry into force of the act or the declaration of a protected area is to be resettled in the buffer zone or in another zone with equal or better conditions. However, it clarifies that indigenous and Afro-Honduran peoples who inhabit protected areas are exempt from this provision. See: [Ley Forestal Areas Protegidas y Vida Silvestre.pdf \(icf.gob.hn\)](#).

²⁵⁵ *La Tribuna*, “[FF. AA. desmantelan estructuras construidas en reserva tawahka](#)”, August 18, 2021. *Tu nota*, [“El desalojo en Wampusirpi fue legal, según autoridades”](#), August 16, 2021.

²⁵⁶ *La Tribuna*, “[FF. AA. desmantelan estructuras construidas en reserva tawahka](#),” August 18, 2021.

days to relocate to a settlement. Regarding the destruction of homes, the State underscored that the order of the Justice of the Peace of Puerto Lempira was for the destruction and demolition of seven homes. However, only four of the seven marked for demolition were destroyed, and no persons were arrested. Additionally, the State emphasized that the evicted persons did not belong to any Miskito indigenous community, but rather were part of campesino settlements. Lastly, it stated that it was necessary to carry out the eviction because the persons do not belong to any tribal or indigenous group and were settled inside the core zones of the Río Plátano Biosphere, Patuca, and Tawahka Asngni protected areas.²⁵⁷

187. In this regard, the IACHR highlights that, pursuant to the Guidelines for the formulation of public policies on internal displacement, States have the obligation to: i) prevent displacement; ii) protect and provide assistance during displacement; iii) provide and facilitate humanitarian assistance; and iv) facilitate the safe return, resettlement, and reintegration of internally displaced persons.²⁵⁸ In addition, the IACHR emphasizes that should it be necessary to carry out an eviction, the State must observe international human rights norms and standards and the principles of exceptionality, legality, proportionality, and suitability, with the legitimate purpose of promoting social well-being and guaranteeing solutions for the evicted population.²⁵⁹ Likewise, it recalls the specific obligation to take measures to protect against the displacement of indigenous peoples, minorities, campesinos, shepherds and other groups that have a special dependence or particular attachment to their land.²⁶⁰

188. Based on the information available, the Commission concludes that this recommendation is **pending compliance**. The Commission reiterates its call for the State to move forward with efforts to draft and implement public policies and a specific law aimed at preventing internal displacement, as well as ensure that evictions of indigenous communities, campesinos, and other vulnerable groups are carried out strictly in accordance with human rights norms, standards, and principles.

12. Recommendations regarding Migrants, Persons in Need of International Protection, and Returnees

- To adopt a public policy aimed at ensuring an effective and human rights-focused reintegration of returning migrants, especially migrants in vulnerable situations and/or with particular protection needs, such as children, victims of trafficking, persons with disabilities, LGBT persons, older persons and persons with medical needs. In addition, the State should implement measures for the search for and identification of missing migrants.

189. In relation to the recommendation concerning **adopting a public policy aimed at guaranteeing an effective reintegration focused on the human rights of returned migrants**, as well as implementing measures to search for and identify missing migrants, the IACHR notes that the State has not provided information related to following up on this.²⁶¹ In its observations on the draft of this report, the State indicated that the first stage in drafting the Comprehensive, Sustainable, and Humane Migration Public Policy for Honduras was to identify existing regulations and public policies so as to establish a situational diagnostic. The second stage consisted of identifying the causes and consequences of Honduran migration and possible means of addressing it. This led to the drafting of the Strategic Framework and the Action and Follow-up Plan that includes 77 outcomes and 115 process indicators formulated through intergovernmental dialogue with 22

²⁵⁷ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 10.

²⁵⁸ IACHR, [Internal Displacement in the Northern Triangle of Central America: Guidelines for the Formulation of Public Policies](#), OEA/Ser.L/V/II, Doc. 101, July 27, 2018, para. 97.

²⁵⁹ United Nations, [Basic Principles and Guidelines on Development-based Evictions and Displacement, Annex I of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living](#), A/HCR/4/18. United Nations, Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2.

²⁶⁰ IACHR. Report 27/18. [Internal Displacement in the Northern Triangle of Central America. Guidelines for formulating public policies](#), OEA/Ser.L/V/II. July 27, 2018, para. 108.

²⁶¹ State of Honduras, follow-up report on compliance with the recommendations of the IACHR, October 2021, pg. 23.

State institutions. It indicated that the policy would continue to be developed and would receive technical assistance from the IOM. In accordance with the national planning established in the Country Vision Act, this policy must be in force between 2022 and 2034.²⁶²

190. According to the most recent figures from the Comprehensive Support System for Returned Migrants (SIAMIR), as of November 2, 2021, a total of 46,915 people had returned to Honduras. Of these, 9,586 were unaccompanied or separated children and adolescents. This figure represents increases of 42% and 75% compared to 2020.²⁶³ Likewise, through August 2021, the Department of Human Rights provided individual support to 34 returnees.²⁶⁴

191. Additionally, the IACHR learned that the Government of Honduras, through its Directorate for Children, Adolescents and Family (DINAF), implemented a project to provide economic aid to returned migrant families as part of their family and community reintegration process. According to the information available to the Commission, the financial aid to be granted prioritizes children or adolescents with obvious illnesses or special medical conditions, pregnant adolescents, female heads of household, and persons with disabilities.²⁶⁵ Likewise, within the framework of the implementation of the aforementioned program, the DINAF makes visits to the children's homes of to verify their human rights are being respected following their reintegration. At the same time, it coordinates actions with local services to meet needs for food, housing, health, education, family protection, and comprehensive development.²⁶⁶

192. Additionally, in response to the increase in accompanied, unaccompanied, and/or separated children and adolescents returning to Honduras, the DINAF has established a support and protection protocol for returned migrant children to mitigate the risk they face upon returning to their communities as potential victims of violence, sexual abuse, etc. In addition, it has also been identified that in most of these cases, the persons returning are below the poverty or extreme poverty threshold. For this reason, work is therefore being done to implement a project on prevention and social reintegration of families of returned children and adolescents by engaging them in issues of entrepreneurship, employability, and seed capital.²⁶⁷

193. Regarding the **implementation of measures for the search for and identification of missing migrants**, the State reported that, within the framework of the agreement "Unlocated Migrants and Unidentified Bodies" with the Argentine Forensic Anthropology Team, between August 2020 and 2021, a workshop was held to collect genetic profiles of relatives. In addition, six missing migrants have been identified. In this regard, the official DINAF records indicate that during 2021, a total of 93 international searches were carried out for children and adolescents who had disappeared while migrating or because they were abducted by one of their parents.²⁶⁸

194. Similarly, the State reported on the existence of the Protocol for the Search for Disappeared Hondurans in Mexico, on investigating and locating Honduran migrants who have disappeared along the

²⁶² State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 12.

²⁶³ Centro Nacional de Información del Sector Social. [Sistema Integral de Atención al Migrante Retornado](#), November 2, 2021.

²⁶⁴ Department of Foreign Affairs and International Cooperation, Honduras, Response of the Honduran State to the request for information from the Inter-American Commission on Human Rights in view of Article 41 of the American Convention on Human Rights regarding Regional Protection of Persons in Human Mobility, September 22, 2021, p. 17.

²⁶⁵ DINAF, "[Más de 2 mil migrantes retornados serán beneficiados con ayuda económica](#)", June 28, 2021. ExtraDigital, "[Con Más De 700 Mil Lempiras Proyecto De Niñez Migrante Beneficia 82 Familias](#)," September 17, 2021.

²⁶⁶ DINAF, "[Más de 2 mil migrantes retornados serán beneficiados con ayuda económica](#)", June 28, 2021. ExtraDigital, "[Con Más De 700 Mil Lempiras Proyecto De Niñez Migrante Beneficia 82 Familias](#)," September 17, 2021.

²⁶⁷ DINAF, "[Apoyan con capital semilla a madre de adolescente migrante para emprender negocio](#)", September 24, 2021. DINAF, "[Más de 2 mil migrantes retornados serán beneficiados con ayuda económica](#)", June 28, 2021. Presencia Universitaria, "[Honduras estaría cerrando el 2021 con al menos 10.000 menores retornados: jefe de Migración de Dinaf](#)", September 2, 2021.

²⁶⁸ State of Honduras, follow-up report on compliance with the recommendations of the IACHR, October 2021, pg. 23, 24, and 25.

migratory route. Likewise, the information in the files of Honduran migrants reported as missing was expanded to ensure a more efficient search. In addition, Honduras highlighted the implementation of investigation technologies for searching for and locating disappeared persons. Regarding this, the IACHR notes that it was not specified what this technology consisted of.²⁶⁹

195. In its observations on the draft of this report, the State indicated that this protocol is a tool enabling Honduran families to ask Mexican government authorities to search for and monitor the cases of their relatives. It also enables the Honduran consulates to conduct follow-up and demand answers for families, as well as to ensure due process for the corresponding compensation. Regarding the expansion of investigative files and technologies, the State highlighted having implemented a standardized form for the search for missing migrants, a tool that the General Directorate for the Protection of Honduran Migrants implements systematically in a unified module for registering cases of non-located migrants. This tool is used to search immigration stations, federal prisons, shelters, hospitals, border patrol sites, and morgues.²⁷⁰

196. For its part, the International Committee of the Red Cross (ICRC) indicated that it had warned of the dangers that migrants face during the journey and that their situation of vulnerability has been exacerbated by COVID-19. According to the most up-to-date figures from the ICRC, during 2020, the cost of repatriating the remains of six missing migrants were covered, along with the costs of their families' mental health care.²⁷¹

197. Based on the foregoing, the IACHR observes that no new actions have been implemented to comply with this recommendation. The Commission therefore concludes that it meets with **partial compliance**.

13. Recommendations regarding Persons Deprived of Liberty

- To 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 IACHR urges the State to take action to efficiently implement existing initiatives that provide for the application of release benefits.
- To ensure the right of 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 the penitentiary centers, and that these requirements do not represent a disproportionate expense for people in a situation of poverty or with scarce resources.
- To 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.

198. In relation to the recommendation regarding the **adoption of the measures required to apply preventive detention in accordance with international standards on the matter**, the IACHR mainly

²⁶⁹ State of Honduras, follow-up report on compliance with the recommendations of the IACHR, October 2021, pg. 24.

²⁷⁰ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 12.

²⁷¹ International Committee of the Red Cross, [Informe Balance Humanitario 2020-2021](#), March 24, 2021, pg. 40 y 47.

indicated the State should: i) take measures to repeal Article 184, which establishes 21 crimes for which convicts are not eligible for release; and ii) efficiently apply existing initiatives that provide for release benefits.

199. Regarding **application of alternatives to prison and the repeal of Article 184 of the Code of Criminal Procedure**, the IACHR observes that the State did not provide information. In this regard, the Commission notes that despite the reduction in crimes where perpetrators are not eligible for release reported by Honduras in 2020, the law continues to require pretrial detention for the crimes of drug trafficking, child rape, weapons trafficking, and crimes related to criminal groups known as “*maras*” or “*pandillas*” (gangs).²⁷² Along the same lines, civil society organizations informed the IACHR that in practice, perpetrators of the crimes of extortion, money laundering, and criminal association were not eligible for release.²⁷³

200. Additionally, the IACHR notes that Honduras maintained its high rates of pretrial detention during 2021. According to government information, as of May 2021, there were 11,589 people deprived of liberty under pretrial detention. Of them, a total of 741 were women and 10,848 were men.²⁷⁴ Considering that the prison population as of September 2020 was 21,675 people,²⁷⁵ the figures represent a pretrial detention rate of 53.47%. In its observations on the draft of this report, the State indicated that it currently has a prison population of 20,190 persons deprived of liberty, of which 10,121 had been charged and 10,069 convicted. Of the population being processed, 708 were women and 9,413 were men.²⁷⁶

201. The Commission recalls that basing application of mandatory pretrial detention on the type of offense involved constitutes a violation of the right to personal liberty set forth in Article 7(3) of the American Convention on Human Rights. It makes pretrial detention tantamount to an advance punishment, amounting to illegitimate interference of the lawmakers in the judiciary’s authority to judge.²⁷⁷ Accordingly, depriving an accused person of liberty must be procedural in nature only, and therefore can only be based on legitimate procedural purposes, i.e. to reasonably avoid the danger of escape or to prevent obstruction of investigations.²⁷⁸

202. Regarding the **application of release benefits**, the State reported that it continues to implement the “De-crowding Plan for Penitentiary Centers,” which, as of September 2021, had granted a total of 2,403 benefits to persons deprived of liberty. These benefits include probation, commutation of sentence, sentence completion, review of measures, and release of inmates due to terminal illness.²⁷⁹

203. The Commission urges the State to enhance its efforts to repeal the provisions requiring mandatory pretrial detention based on type of crime and to promote the use of alternatives to prison. Based on

²⁷² IACHR, Annual Report, Chapter V, Follow-up of Recommendations Issued by the IACHR in its Country or Thematic Reports—Honduras, 2020, para. 202. Also, see: *La Gaceta*, official gazette of the Republic of Honduras, Poder Legislativo, Decreto No. 36-2020, June 10, 2020, article 1.

²⁷³ ASOPAZ, Note on case no. ASOPAZH2810AS2021, September 15, 2021, pg. 1.

²⁷⁴ Government of Honduras, Diplomatic Note No. DNDDHH-LI-316-2021, May 19, 2021, pg. 2.

²⁷⁵ Institute for Criminal Policy Research at Birkbeck - University of London, World Prison Brief data -Highest to Lowest - Occupancy level (based on official capacity), 2021.

²⁷⁶ State of Honduras, Factual Observations on the IACHR’s Chapter V Report, January 24, 2022, pg. 12.

²⁷⁷ IACHR, <https://www.oas.org/en/iachr/reports/pdfs/honduras2019-en.pdf> Situation of human rights in Honduras. OEA/SER.L/V/II. Doc. 146, August 27, 2019, para. 339; IACHR, Situation of human rights in Honduras, OEA/Ser.L/V/II. Doc. 42/15, December 31, 2015, para. 558; IACHR, Report on Measures Aimed at Reducing the Use of Pretrial Detention in the Americas, OEA/Ser.L/V/II.163. Doc. 105, July 3, 2017, para. 91; and IACHR, Report on the Use of Pretrial Detention in the Americas, OEA/Ser.L/V/II. Doc. 46/13, December 30, 2013, paras. 137 and 151. Also, see: IACHR, Merits Report 86/09, Case 12,553. Merits. Jorge, Jose, and Dante Peirano Basso. *Uruguay*. August 6, 2009, para. 141; Inter-American Court. Case of *Suárez Rosero v. Ecuador*. Judgment of November 12, 1997. Series C No. 35, para. 98; Inter-American Court. Case of *Acosta Calderón v. Ecuador*. Judgment of June 24, 2005. Series C No. 129, para. 135, and Inter-American Court. Case of *López Álvarez v. Honduras*. Judgment of February 1, 2006. Series C No. 141, para. 81.

²⁷⁸ IACHR, Report on Measures Aimed at Reducing the Use of Pretrial Detention in the Americas, para. 231. Recommendation A, “General Measures Related to Matters of State Policy,” (hereinafter, Report on Measures Aimed at Reducing the Use of Pretrial Detention in the Americas), para. 1.

²⁷⁹ State of Honduras, follow-up report on compliance with the recommendations of the IACHR, October 2021, pg. 17.

the foregoing, the IACHR finds that the recommendation continues to meet with **substantial partial compliance**.

204. Likewise, the Commission recommended that the State **guarantee regular visits**—in particular that it **reform article 10 of the Regulations on Visitations of the National Penitentiary System**. The aim is for the regulations to include only the requirements necessary to guarantee security in the detention centers. In its report to the Commission, the State reported that for Fiscal Year 2021, the provision removing the fees for issuing the visitation card was kept in place. In addition, the National Penitentiary Institute (INP), in partnership with the Judiciary and the Police Bureau of Investigations (DPI), agreed to make criminal and police records would be free of charge. In addition to this, the State indicated that the validity of the cards would be extended for six months—from the expiration date—in order to allow the next of kin to obtain the new visitation documents. Likewise, the State reported on the development of the Protocol for Family Visits to Prisoners.²⁸⁰

205. For its part, the National Mechanism and Committee for the Prevention of Torture and Cruel, Inhuman, or Degrading Treatment (MNP-CONAPREV) reported that despite the fact that during 2021, a greater number of visits was approved—monthly and progressively—challenges persist for people wishing to obtain a visitation card.²⁸¹ In this context, the Commission observes that, according to official data, the requirements for issuing this card have not been changed, making regular contact between detainees and their families difficult.²⁸² Additionally, civil society organizations have indicated that the process for issuing visitation cards takes up to a year,²⁸³ thus hindering family contact. In its observations on the draft of this report, the State indicated that the process to issue the card takes two months.²⁸⁴

206. Additionally, in the context of the COVID-19 pandemic, the MNP-CONAPREV indicated that despite the resumption of family visits, the State implemented the entry requirement to present a negative COVID-19 test, the cost of which would have to be paid by the families, as the State was unable to provide this service.²⁸⁵ In this regard, the IACHR observes it could be impossible for those living in poverty or with low incomes who lack sufficient resources to cover these costs in order to comply with this requirement.

207. The IACHR observes that, in the framework of the measures adopted due to the COVID-19 pandemic, the INP prohibited the entry of pregnant women, persons over the age of 60, girls and boys under the age of 18, and persons with comorbidities or respiratory symptoms.²⁸⁶ Along these lines, the Commission was informed by civil society that the authorities were requiring visiting family members to present a medical certificate to prove that they did not suffer from any underlying illness, as well as pregnancy tests with no age limit; for example, even older adult women are required to submit the tests.²⁸⁷

208. In this regard, the Commission reminds the State that the right to visit constitutes a central element for the dignified and humane treatment of persons deprived of their liberty and a relevant factor for the re-socializing purpose of the sentence. Likewise, it reiterates that the lack of access to the penitentiaries

²⁸⁰ State of Honduras, follow-up report on compliance with the recommendations of the IACHR, October 2021, pg. 18.

²⁸¹ Information provided to the IACHR during a meeting with the MNP-CONAPREV, August 31, 2021.

²⁸² Instituto Nacional Penitenciario, Honduras, [#INP Proceso Para la Elaboración y Entrega de Carné de Visita Familiar](#), May 12, 2021. Also, see: ASOPAZ, Note on case no. ASOPAZH2810AS2021, September 15, 2021, pg. 2; and IACHR, [Situation of Human Rights in Honduras](#), OEA/SER.L/V/II. Doc. 146, August 27, 2019, paras. 361 and 363.

²⁸³ ASOPAZ, Note on case no. ASOPAZH2810AS2021, September 15, 2021, pg. 2.

²⁸⁴ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 12.

²⁸⁵ Information provided to the IACHR during a meeting with the MNP-CONAPREV, August 31, 2021. Also see: Instituto Nacional Penitenciario, Honduras, [Comunicado Oficial](#), August 20, 2021; Instituto Nacional Penitenciario, Honduras, [Comunicado Oficial](#), June 11, 2021; Instituto Nacional Penitenciario, Honduras, [Comunicado Oficial](#), June 11, 2021.

²⁸⁶ Instituto Nacional Penitenciario, Honduras, [Comunicado Oficial](#), August 20, 2021.

²⁸⁷ ASOPAZ, Note on case no. ASOPAZH2810AS2021, September 15, 2021, pg. 2.

may constitute a violation of the right to protection of the family or other rights such as personal integrity.²⁸⁸ Based on the foregoing, the IACHR finds that this recommendation meets with **partial compliance**. In this regard, it urges the State to reform its visitation regime by eliminating requirements that go beyond guaranteeing security in the detention centers.

209. Regarding the recommendation on the **exceptional use of solitary confinement and amending 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 length of isolation and the review to which it should be subjected**, the State reported that the current disciplinary regime—regulated by the Penitentiary System Act—allows for using isolation in the event of serious misconduct. In addition, it indicated that disciplinary sanctions are imposed through a procedure that guarantees the right of every person to be informed of the offense of which they are accused and to be heard.²⁸⁹

210. For its part, the MNP-CONAPREV indicated that the isolation regime continues to be applied widely rather than exceptionally. Consequently, detainees can be held in isolation for up to two months. In addition, individual evaluations are not conducted when applying such measures.²⁹⁰ Also, it reported that after the murder of a Public Order Military Police (PMOP) officer in the Támara National Penitentiary Center by a person deprived of liberty who had been in isolation for two months, collective punishment was applied to the people being held there.²⁹¹ It added that people deprived of liberty under a maximum security arrangement find themselves in complete isolation, sometimes for years.²⁹² In its observations on the draft of this report, the State mentioned that the solitary confinement regime is not applied widely, but rather based on individual criteria in response to specific conduct or evaluation of a criminological profile. It indicated that the transfer to maximum security cells is monitored by Executing Judges, can be reversed, and is to be applied only with respect for the rights of the person deprived of liberty.²⁹³

211. Also, the MNP-CONAPREV indicated that women deprived of liberty in the Támara National Women's Penitentiary generally lack recreation hours and can only leave their cells for one hour every 15 days.²⁹⁴ In its observations on the draft of this report, the State indicated that on January 17, 2022, the Directorate of the National Women's Penitentiary for Social Rehabilitation sent a letter to the National Directorate of the INP indicating that there are no women deprived of liberty in that facility under solitary confinement and that the facility does not have solitary confinement cells. It indicated that the Institute has complaint channels for launching investigations into irregularities.²⁹⁵

212. Based on the foregoing, IACHR finds that this recommendation remains **pending compliance**. Therefore, it reiterates to the State its obligation to adjust the use of isolation measures to meet the inter-American standards governing the matter.

²⁸⁸ IACHR, <https://www.oas.org/en/iachr/reports/pdfs/honduras2019-en.pdf> Situation of human rights in Honduras. OEA/SER.L/V/II. Doc. 146, August 27, 2019, para. 363.

²⁸⁹ Government of Honduras, Diplomatic Note No. SEDH-PM-069-2021—follow-up report on compliance with the recommendations of the IACHR, October 29, 2021, pg. 19.

²⁹⁰ Information provided to the IACHR during a meeting with the MNP-CONAPREV, August 31, 2021.

²⁹¹ Information provided to the IACHR during a meeting with the MNP-CONAPREV, August 31, 2021. Also see: *La Prensa*, [Recluso mata a policía militar al interior de cárcel de Támara, según Policía Nacional](#), January 16, 2021.

²⁹² Information provided to the IACHR during a meeting with the MNP-CONAPREV, August 31, 2021.

²⁹³ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 13.

²⁹⁴ Information provided to the IACHR during a meeting with the MNP-CONAPREV, August 31, 2021.

²⁹⁵ State of Honduras, Factual Observations on the IACHR's Chapter V Report, January 24, 2022, pg. 13.

14. Recommendations regarding the Establishment of a Special Follow-up Mechanism to Verify the Implementation of the Recommendations issued by the IACHR

213. In its country report, the IACHR recommended that the State of Honduras implement a special follow-up mechanism together with the IACHR to verify implementation of the recommendations issued in the framework of the visit. In this regard, in November 2019, the Special Technical Advisory Board of Honduras for compliance with human rights recommendations (MESAT) was created. Given the context of the COVID-19 pandemic, a number of activities planned for 2020 had to be suspended. For this reason, the MESAT was requested extended in order to be able to carry out the activities planned.

214. Regarding this extension, the IACHR obtained the consent of the State to continue. As a result, on August 26 and 27, the Commission held meetings with the State, which asked the IACHR to carry out five activities: One with the Rapporteurship on the Rights of the Child, another with the Rapporteurships for persons of African descent and indigenous peoples, and three with the Rapporteurship on Human Rights Defenders. However, the IACHR only had the capacity to carry out the activity corresponding to the Rapporteurship on Human Rights Defenders.

215. In this regard, on August 17, an initial training focused on protecting the human rights defenders in the countries of Northern Central America was held. It was directed at State officials and members of civil society. Subsequently, and at the request of the State of Honduras, on November 15 of this year, a new training was held for justice officials in Honduras on inter-American standards for the protection of human rights defenders and on the IACHR's precautionary measures mechanism. This training included the participation of OHCHR Honduras. With the completion of these activities, the IACHR and the State of Honduras agreed to end the MESAT.

216. In addition to this training, the IACHR offered to give written comments to the Honduran National Policy on Children instead of carrying out a specific activity and holding a meeting on the matter with the authorities in mid-December to answer any questions they might have. This proposal was forwarded to and accepted by the State.

217. The Commission appreciates the State of Honduras's willingness and cooperation with regard to effective functioning and compliance with the MESAT and hopes to continue providing the State with assistance and technical cooperation on human rights and strengthening the implementation of inter-American standards in the country. Therefore, in view of the wrapping up of the MESAT, the Commission finds that the State has **complied** with this recommendation.

15. Periodically and Comprehensively Report on Progress and Challenges in Complying with the Recommendations set Forth in this Report

218. In its observations on the draft of this report, the State highlighted its willingness to provide a response to the communications received, reporting periodically on the progress of the recommendations by sending monitoring reports and uploading information to the Inter-American SIMORE. The State reiterated its continuous use of the Inter-American SIMORE, seeking to promote transparency and accountability as a good practice and a reflection of the State's cooperation.

219. The Commission views positively the Honduran State's cooperation and continued willingness to regularly provide information to the IACHR. In particular, it recognizes the State's willingness to make use of the Inter-American SIMORE, since this tool enables the IACHR to better evaluate compliance with the recommendations issued by the IACHR. The Commission urges the State to continue using this tool. In view of the foregoing, it finds that the State has **partially complied** with this recommendation.

16. Conclusions

220. The Commission reiterates to the State of Honduras the importance of effectively complying with the recommendations issued in its 2019 Country Report. The Commission noted progress in complying with recommendations regarding ESCER, such as the actions taken to develop a national plan on business and human rights. However, beyond this, the IACHR notes that the recommendations set forth in its country report have still not seen substantive progress toward compliance.

221. In particular, the Commission observed challenges regarding democratic institutions—such as a lack of guarantees of personal integrity and personal liberty during the demonstrations in 2021 and a lack of progress in the investigations into the acts of violence that took place in the context of the 2017 protests. The Commission is concerned that there has been no substantive progress toward removing military forces from security tasks; on the contrary, there have been setbacks. Similarly, impunity, access to justice, citizen security, freedom of expression, and ESCER continued to be issues of concern during 2021.

222. The Commission has observed that different population groups continue to face particular vulnerability. Of special concern is the continuation of violence against LGBTI persons, women, journalists, and human rights defenders in Honduras. The Commission is especially concerned about the persistence—and even the increase—of improper use of criminal law to obstruct the work of human rights defenders, particularly those who defend the environment and their territories. Violence against women is also a point of special concern for the IACHR, as is the high rates of impunity for these crimes. Territorial conflicts in indigenous and Afro-Honduran communities continue to pose a challenge. The IACHR is also concerned over the situation of persons deprived of liberty, which has been exacerbated in the context of the COVID-19 pandemic.

223. As the Commission indicated in its country report, in order for there to be full enjoyment of human rights, it is essential for Honduras to advance in its democratic institutional process, guarantee a genuine separation of powers and strengthen the rule of law. In this context, it is crucial that citizens regain confidence in their State institutions. To this end, the State must take decisive measures in the administration of justice and in the fight against impunity and corruption. Likewise, the State must ensure a real and effective transformation for the eradication of the situation of poverty, exclusion and structural inequality that persist in the country, which impact on the exercise and enjoyment of human rights, especially of those groups at particular risk. This requires the adoption of effective measures in accordance with applicable international standards.

224. The Commission reaffirms its commitment to collaborate with the State of Honduras in the search for solutions to the problems identified, and in the implementation of the recommendations of this report, formulated in a spirit of constructiveness and cooperation. The IACHR makes itself available to the State to collaborate in following up on compliance with the report's recommendations in order to ensure the effective enjoyment of the human rights of all persons under its jurisdiction.