



Report to
Human Rights Council
Working Group on Universal Periodic Review
36th Session (4-15 May 2020)
by
Geneva International Centre for Justice (GICJ)
State under review
Honduras

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مركز جنيف الدولي للعدالة (جنيف للعدالة)
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Executive Summary

1. During the Universal Periodic Review (UPR) of 2015, serious concern was raised about the country's difficulties to **guarantee independent investigation and effective prosecution of cases of violence or threat against journalists, judicial officials and human rights defenders**, a serious challenge inextricably linked to the **fight against corruption**. Significant concern had been raised about the **lack of transparency and merit-based appointment of judges**. Honduras was also required to speed up the adoption of a draft bill on the **protection of human rights defenders** and **improve public safety** given the high levels of criminal violence sweeping the country. Several States pointed to the **widespread impunity** and a hostile environment for vulnerable groups. Honduras was urged to take measures to address **widespread violence against women**, most notably **gender-related killings of women**.

Cooperation with OHCHR and human rights mechanisms

2. On the whole, we appreciate efforts deployed by Honduras aimed at translating recommendations received into concrete legal and policy actions, while underlying throughout this written submission that several challenges still remain to be resolved. We welcome the entry into function in November 2016 of an OHCHR country office and its thematic priorities. Honduras' cooperation with several human rights committees and recent country visits by the Special Rapporteurs on human rights defenders (2018), extrajudicial, summary or arbitrary executions (2016), indigenous peoples (2015) and the Working Group on discrimination against women (2018) demonstrate the country's determination to improve its human rights records. We appreciate the submission in

November 2017 of a well-structured mid-term UPR report, which constitutes an excellent example to be followed by other States.

Fight against corruption and independence of the judiciary

3. In April 2016, the entry into function of the OAS Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) allowed the creation of a national anti-corruption system that has managed to prosecute eleven cases of corruption since 2017. We commend these efforts jointly deployed by Honduras and the OAS to strengthen rule of law in the country. At the same time, we strongly encourage Honduras to extend the mandate of this Mission beyond 2020 so as to continue strengthening both the Special Prosecutor's Unit against impunity and corruption, and the national courts and tribunal against corruption by ensuring their full independence.
4. Turning to the independence of the judiciary, we look with great alarm at the high levels of impunity for criminal conduct and serious crimes perpetrated in particular against women and human rights defenders. The situation of persons deprived of liberty because of their work as human rights defenders, including judicial threats addressed to human rights activists, are simply deplorable, which confirms our serious concern over the independence of the judicial system and the respect of democratic principles such as the separation of powers. Political trials, delays in the administration of justice, impunity for acts of violence, killings and human rights violations are giving rise to profound dissatisfaction among the population and could lead to the people's uprising for justice. These challenges have also briefly underlined by the UN Special Rapporteur Diego García-Sayán following his official visits to the country in August 2019. In order to guarantee the full independence of the judiciary, we urge Honduras to amend the selection and appointment procedures of the Supreme Court judges, the Attorney General and his/her Deputy, and cooperate in good faith with the Special Rapporteur with a view to implementing all recommendations included in his future report.

Persons detained in military facilities

5. In October 2017, the Honduran National Mechanism for the prevention of torture, cruel, inhuman and degrading treatments witnessed that persons deprived of liberty in some annex prison facilities had suffered several human rights violations including torture, cruel, inhuman or degrading treatments perpetrated at the hands of military agents. We fully share the view expressed by the National Preventive Mechanism according to which military facilities shall never be used to hold persons in detention, as military agents do not have the required training to monitor and guarantee the respect of fundamental rights of detainees. Similarly, we also express our concern over newly opened detention centres such as the *Centro Penal de Ilama Santa Bárbara (El Pozo)* and the *Centro Penal de Morocelí (La Tolva)* which are deplorably ruled by military agents. Undoubtedly, this runs contrary to the fundamental principle according to which the administration of justice should be secured by the judiciary and civil personnel, and not by the military. Only highly skilled prison officers who are specifically trained on the respect of fundamental rights in detention settings and are also able to provide psychological support and reintegrate detainees into society should rule detention facilities. Similarly, we remain concerned about the practice of detaining persons accused of ordinary crimes in military facilities.

Criminal justice system, violence in detention facilities and detention conditions

6. We welcome the construction and refurbishment of certain prison facilities aimed at improving inmates' living conditions and the adoption of measures to reduce overcrowding such as the

introduction of alternative measures to deprivation of liberty. To further reduce overcrowding, we recommend speeding up the adoption of the proposal tabled by the National Penitentiary Institute regarding the release of about 685 persons on humanitarian grounds, most notably the release of persons affected by mental or other disability.

7. We further note the country's efforts to reduce violence in prisons. In this regard, it should be considered as a positive step the separation of highly dangerous and aggressive inmates and the dismissal of 14 penitentiary agents for grave misconduct. However, we believe that Honduras should develop comprehensive rehabilitation and social integration programmes for prisoners and provide better training to penitentiary agents. Given the high number of violent deaths in prisons as confirmed by national statistical data, we request to the delegation of Honduras to provide detailed information about investigations carried out and the number of convictions in this respect, including compensation provided to the relatives of the victims. Remaining concerned by the high levels of violence in prisons, we also urge Honduras to improve the training of penitentiary authorities and develop strategies to eradicate the planning and ordering from inside the prisons of series of crimes such as extortion, contract killing and kidnapping.
8. We remain deeply concerned at the lack of access to quality healthcare and sanitation in detention facilities as a whole. More in particular, we are alarmed by the appalling detention conditions in *La Tolva* maximum-security prison, where reportedly all prisoners are undernourished, do not have access to safe drinking water, and suffer from diseases that go untreated, including infections such as TB and HIV.

Strengthening of the National Human Rights Commission

9. We note with regret that Honduran Delegation declared during the 2015 UPR review that the strengthening of the National Human Rights Commission to bring it in line with the Paris Principles was considered as a recommendation that was already implemented or in the process of implementation. The loss of the A-status by the National Human Rights Commission in May 2016 along with the lack of specific information in the mid-term report on the measures adopted with a view to addressing the flaws identified by the Global Alliance of National Human Rights Institutions remains a source of concern. While taking note of the point of view expressed by the Ombudsman in this regard, we deem it necessary that the selection and appointment of the national Ombudsman has to be based on more specific, clear and objective criteria. In addition, applications by indigenous and female candidates should be strongly encouraged, as well as a broader participation of human rights defenders and other members of civil society in the selection process. We further recommend Honduras to enshrine in law specific grounds for waiver of functional immunity upon which the Supreme Court of Honduras should determine.

Health challenges

10. On 5 August 2019, the Honduran Ombudsman wrote alarmed that the haemorrhagic dengue fever had claimed the lives of 59 persons in 2019. On 25 August 2019, the Honduran Ministry of Health publicly stated that the number of deaths caused by haemorrhagic dengue increased to 106 persons. It is extremely worrying that in just 20 days 47 persons died. During the same year, more than 61,000 people in Honduras have been infected with dengue fever, among which more than 12,000 are affected by life-threatening haemorrhagic dengue. While welcoming the measures taken by national authorities to prevent the proliferation, we urge the Ministry of health to vigorously strengthen awareness-raising campaigns among the population and urgently seek technical assistance from the WHO and the Pan-American Health Organization to reinforce preventive mechanisms and any future response.

Violence against women and femicide

11. Since the 2015 UPR, we positively note that several projects and strategies have been set in place to improve gender equality, prevent violence against women and prosecute those responsible. While welcoming the opening of a dedicated emergency hotline 911 for women victims of violence, we request to Delegation of Honduras to provide more details about legal assistance and protection against reprisals provided in the framework of this emergency hotline. To eradicate impunity for acts of violence, Honduras explained in the mid-term report that the so-called “Operation Debora” allowed to bring to court 147 men accused of several crimes against women and girls in August 2017. However, we note with deep concern that in 2015 alone more than 36,000 and 2,400 cases of domestic and family violence had been brought before specialized and criminal courts respectively, but the number of convictions handed down was very low. Expressing once more our concern on this point, we urge Honduras to provide up-to-date statistics on the number of complaints and convictions disaggregated by type of criminal conduct, including most notably femicide rates and convictions. Women and female human rights defenders often quote the lack of values and *machismo*, a mindset in which Latin-American men believe they are superior, as factors triggering violent behaviour against the opposite sex. It is also deplorable that certain religious leaders in whom suffering women confide believe that women have to submit to man. We therefore deem necessary to reinforce social-educational policies aimed at eradicating those cultural patterns that discriminate against women and send a clear message that any act of violence against women will not be tolerated and will be criminally prosecuted. While hoping to receive detailed statistics on femicide covering the past five years, our concern about this phenomenon remains unchanged since 100 killings of women have been recorded in Honduras in just three months between January and March 2018. It is also deplorable that often judges underestimate death threats, especially those threats addressed to women living alone.

Protection of human rights defenders

12. During the 2015 UPR review, several States expressed deep concern at cases of impunity for hostile acts committed against human rights defenders in Honduras. While welcoming the adoption of law no. 34-2015 on the protection of human rights defenders, journalists and justice officials, we regret that the explanations provided in the UPR mid-term report are not sufficient to assess which substantive measures could be taken by the National System for the Protection of Human Rights Defenders to protect physical integrity of human rights defenders and the continuity of their work free from any reprisal and/or intimidation. Despite the fact that the aforementioned National System officially started deploying its activities in 2016, we raise some concerns about the effectiveness of this protection mechanism following the report presented in March 2019 by the UN Special Rapporteur Michal Forst. Political opponents, women and indigenous human rights defenders continued to be faced with a hostile environment that entirely suffocates peaceful criticism voiced by civil society. The cases of Edwin Espinal, imprisoned for his work as human rights activist, and Miriam Miranda, female environmental defender who repeatedly received judicial intimidations, to name just a few, coupled with allegedly corrupted judges appointed by the military, are illustrative of the grave dangers faced by those who dare speaking up. We therefore urge the government of Honduras to release all political opponents, immediately put an end to political trials and ensure genuine protection of all human rights defenders.

Core international human rights instruments

13. Honduras' regular reporting to all human rights treaty bodies is commendable. However, it should be noted with deep regret that the acceptance of individual complaints procedures is limited to one single optional protocol on the rights of persons with disabilities. Considered several shortcomings in the administration of justice and many reported cases of impunity concerning violence against women, judges and human rights defenders, racial discrimination against indigenous and Afro-Honduran persons, we strongly recommend Honduras to accept, as a matter of urgency, individual complaints procedures under CAT, ICCPR, CEDAW and CERD.

Recommendations

14. GICJ recommends Honduras do the following:

- Extend the mandate of OAS-MACCIH beyond 2020 so as to continue strengthening both the Special Prosecutor's Unit against impunity and corruption, and the national courts and tribunal against corruption by ensuring their full independence, among others
- Cooperate with the Special Rapporteur Diego García-Sayán and implement in good faith all his recommendations aimed at achieving the full independence of the judiciary and deliver justice to the victims of human rights violations
- Put an immediate end to the detention of persons in facilities ruled by military agents
- Undertake a comprehensive reform of the criminal justice system by introducing comprehensive rehabilitation and social integration programmes for prisoners, most notably focussed on the prevention of juvenile recidivism
- As a matter of urgency, ensure access to adequate food, safe drinking water and healthcare in all detention centres
- Improve the training of penitentiary authorities and develop strategies to eradicate the planning and ordering of crimes from inside prisons
- Take measures to strengthen the National Human Rights Commission up to the A-status
- Set out more specific, clear and objective criteria for the selection of the Ombudsman, encourage applications by indigenous and female candidates, and a broader participation of human rights defenders and other members of civil society in the selection process
- Enshrine in law specific grounds for waiver of the Ombudsman's functional immunity upon which the Supreme Court of Honduras should determine
- Vigorously strengthen awareness-raising campaigns among the population to prevent the proliferation of dengue and seek technical assistance from the WHO and the Pan-American Health Organization to reinforce preventive measures and response
- Provide up-to-date statistics on the number of complaints and convictions disaggregated by type of criminal conduct against women and girls
- Provide detailed statistics on femicide rates and convictions covering the past five years, and seriously consider every death threat addressed to women
- Reinforce social-educational policies aimed at eradicating those cultural patters that discriminate against women
- Release all political opponents, immediately put an end to political trials and ensure genuine protection of all human rights defenders
- Accept individual complaints procedures under CAT, ICCPR, CEDAW and CERD.

Geneva International Centre *for* Justice

Independent, non-profit, non-governmental organization

GICJ is an independent, non-profit, non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes. Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.

Mission

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

Work

GICJ has been tackling issues of justice and accountability since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network around the world. Through these channels, GICJ is able to receive documentation and evidences of human rights violations and abuses as they occur in several countries. GICJ continues to bring this information to the attention of relevant UN bodies in order to gain justice for all victims.