

HONDURAS

REPORT TO THE UN HUMAN RIGHTS COMMITTEE

138TH SESSION, 26-28 JULY 2023, LIST OF QUESTIONS

Amnesty International presents this document to the United Nations Human Rights Committee on the eve of the adoption of the list of questions in the third periodic report on Honduras regarding application of the International Covenant on Civil and Political Rights. The document emphasizes Amnesty International's concerns about the right to life and personal security, the prohibition of torture and other cruel, inhuman or degrading treatment, freedom of expression and association, the protection of human rights defenders, equality and non-discrimination, and sexual and reproductive rights.

FREEDOM OF EXPRESSION AND ASSOCIATION AND THE SITUATION OF HUMAN RIGHTS DEFENDERS (ARTICLES 6, 9, 14, 19 AND 22)

Honduras continues to be a dangerous country for human rights defenders. They face high levels of violence, constant threats and intimidation, the use of social media to stigmatize and defame them and detention and death. Honduras is considered to be one of the most dangerous countries for defenders of territory, land and the environment.¹ Defenders often belong to indigenous and Afro-descendant Honduran communities trying to protect their territories and natural resources from the construction of infrastructure for extractive industries, tourism projects and monocultures. In 2022, the Office of the United Nations High Commissioner in Honduras recorded attacks on at least 224 defenders, including 12 murders.² At least eight murders of territory, land and environment defenders were recorded between January and February 2023. The great majority of these cases remain unpunished.

Amnesty International has documented attacks against defenders and communities belonging to the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH), which has been regularly targeted by such threats and attacks in response to their defence of the territory of Río Blanco³. In 2018, a court convicted seven individuals for murdering the indigenous defender and leader Lenca Berta Cáceres and in 2022 a court also convicted the businessman David Castillo for co-authoring the murder. Although these convictions represent important steps in securing justice, COPINH has emphasized that justice will not be complete until everyone involved in planning and ordering the murder is investigated and brought to justice.⁴

On 18 July 2020, unknown individuals wearing Police Investigations Directorate (DPI) vests abducted four Garífuna activists of the Black Fraternal Organization of Honduras (OFRANEH), and a fifth person from their homes.⁵ They are still missing.

Human rights defenders are also the victims of groundless judicial procedures. Members of the Municipal Committee for the Defence of Common and Public Goods (CMDBCP), formed of several organizations that defend territory, land and environmental rights in the north of the country, have been criminalized for peacefully protesting against mining concessions and activity in the Carlos Escaleras National Park and for defending the Guapinol and San Pedro rivers.⁶

¹ Global Witness, Last Line of Defence, 2021: <https://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/>

² Office of the United Nations High Commissioner for Human Rights (OHCHR), Speech on International Human Rights Day, Tegucigalpa, 9 December 2022. See <https://oacnudh.hn/wp-content/uploads/2022/12/DiaDDHH-OACNUDH-9-12-22-versio%CC%81n-final-IAE.pdf>

³ Amnesty International, Honduras: Land Defenders at Risk, 10 May 2019. See <https://www.amnesty.org/en/documents/amr37/0337/2019/en/>

Amnesty International, Honduras: Río Blanco land defenders' protection extended, 10 January 2020. See <https://www.amnesty.org/en/documents/amr37/1655/2020/en/>

Amnesty International, Honduras: Land defenders threatened: COPINH, 24 June 2020. See <https://www.amnesty.org/en/documents/amr37/2598/2020/en/>

⁴ Amnesty International, Honduras: Conviction of David Castillo is a step towards justice, but full truth must be uncovered, 5 July 2021. See <https://www.amnesty.org/en/latest/press-release/2021/07/honduras-conviction-of-david-castillo-is-a-step-towards-justice-but-full-truth-must-be-uncovered/>

⁵ Amnesty International, Honduras: Gobierno debe encontrar garífunas desaparecidos y garantizar protección a la comunidad. See <https://www.amnesty.org/es/latest/news/2020/07/gobierno-de-honduras-debe-encontrar-garifunas-desaparecidos-y-garantizar-proteccion-a-la-comunidad/>

⁶ Amnesty International, Honduras: Nuevo Llamado a Garantizar Debido Proceso de Defensores del Medioambiente, 28 August 2019.

See <https://www.amnesty.org/es/documents/amr37/0943/2019/es/> ;

Amnesty International, Honduras: Water defenders at risk of detention, 25 August 2020. See <https://www.amnesty.org/en/documents/amr37/2934/2020/en/>

In 2022 after a ruling by the Supreme Court of Justice, in which it referred to various violations of the right to due process, eight defenders of the River Guapinol were released after being arbitrarily detained for more than two years. Amnesty International documented multiple irregularities and violations of their rights, and the Working Group on Arbitrary Detention stressed that this was a case of arbitrary detention.⁷ In a separate and similar ruling, the Supreme Court annulled groundless criminal prosecutions against five other defenders of the River Guapinol. However, in December 2022, the public prosecutor appealed, preventing closure of the case.

In 2022, members of OFRANEH and their coordinator, Miriam Miranda, denounced various attacks against them and new groundless criminal charges.⁸

Moreover, in October 2021, Congress approved a series of legislative reforms that could restrict exercise of the right to the freedom of peaceful assembly and association, the defence of human rights, the right to the freedom of expression, including guarantees of transparency and access to information, and the effective investigation and pursuit of corruption.⁹

Honduras has still not signed the Escazú Agreement, the first human rights treaty on the environment in Latin America and the Caribbean, which obliges signatory states to protect defenders of the environment, and which came into force on 22 April 2021.

THE RIGHT TO LIFE AND PERSONAL SECURITY, THE FREEDOM OF EXPRESSION AND THE PROHIBITION OF TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT (ARTICLES 6, 7, 8, 9, 10, 19 AND 21)

Amnesty International has expressed concern on repeated occasions about non-compliance with international rules on the use of force in the context of protests, including the use of lethal weapons by the security forces. According to the Office of the High Commissioner in Honduras, at least 23 people died from firearm wounds, seven of which could have been arbitrary executions, and at least 60 were injured during the repression of post-electoral protests in November and December 2017, in which thousands of people denounced alleged electoral fraud.¹⁰ The security forces, including the Public Order Military Police (Policía Militar del Orden Público) also detained more than 1,000 people for alleged curfew violations or participation in violent acts.¹¹ Moreover, the organization reported ill-treatment of detainees and at least one forced disappearance.

Nevertheless, there has still been no successful prosecution and punishment of those responsible for human rights violations that could constitute crimes under international human rights law. The Honduran government must ensure that the Public Prosecutor's Office and

Amnesty International, Honduras: Further information: Jailed water defenders with COVID-19, 19 March 2021.

See <https://www.amnesty.org/en/documents/amr37/3862/2021/en/>;

Amnesty International, Honduras: Further information: Water defenders continue in jail, 11 May 2021. See <https://www.amnesty.org/en/documents/amr37/4108/2021/en/>;

Amnesty International, Honduras: Further information: Water defenders continue in jail, 17 August 2021. See <https://www.amnesty.org/en/documents/amr37/4617/2021/en/>;

Amnesty International, Honduras: Further information: Water defenders pre-trial release rejected, 2 September 2021. See

<https://www.amnesty.org/en/documents/amr37/4673/2021/en/>;

Amnesty International, Honduras: Prisoners of conscience face trial, 14 January 2022. See <https://www.amnesty.org/en/documents/amr37/5165/2022/en/>;

Amnesty International, Honduras: Open Letter to the General Attorney's Office regarding the human rights defenders of Guapinol, 3 February 2022.

See <https://www.amnesty.org/en/documents/amr37/5209/2022/en/>;

Amnesty International, Honduras: Further information: Prisoners of Conscience continue in jail, 18 February 2022. See

<https://www.amnesty.org/en/documents/amr37/5252/2022/en/>;

Amnesty International, Honduras: Further information: Two water defenders killed, 21 February 2023. See <https://www.amnesty.org/en/documents/amr37/6468/2023/en/>

⁷ Amnesty International Report 2022/23: The state of the world's human rights, Amnesty International, 27 March 2023.

See <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>;

Amnesty International, Honduras: Amnesty International urges authorities to immediately release eight prisoners of conscience, 9 December 2021. See

<https://www.amnesty.org/en/latest/news/2021/12/honduras-amnesty-international-urges-authorities-immediately-release-eight-prisoners-conscience/>

⁸ Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos (IM-Defensoras), HONDURAS / Intimidación y amenazas contra la vida de Miriam Miranda, coordinadora y defensora garífuna de la OFRANEH, February 2022. See <https://im-defensoras.org/2022/02/alerta-urgente-honduras-intimidacion-y-amenazas-contra-la-vida-de-miriam-miranda-coordinadora-y-defensora-garifuna-de-la-ofraneh/>;

IM-Defensoras, HONDURAS / Asesinan al líder garífuna, Alonso Salgado y atentan contra la vida de la lideresa Zury Quintanilla, May 2022. See <https://im-defensoras.org/2022/05/alerta-urgente-honduras-asesinan-al-lider-garifuna-alonso-salgado-y-atentan-contra-la-vida-de-la-lideresa-zury-quintanilla/>;

IM-Defensoras, HONDURAS / Persecución, hostigamiento y criminalización contra Miriam Miranda, integrante de la OFRANEH y defensora de derechos humanos tras la protesta ante las instalaciones del Ministerio Público, 19 August 2022. See <https://im-defensoras.org/2022/08/alerta-defensoras-honduras-persecucion-hostigamiento-y-criminalizacion-contra-miriam-miranda-integrante-de-la-ofraneh-y-defensora-de-derechos-humanos-tras-la-protesta-ante-las-instalaciones-del/>

IM-Defensoras, HONDURAS / Criminalizan a defensoras garífunas tras detenerlas en violento e ilegal desalojo de la comunidad de Punta Gorda, Roatán, November 2022, <https://im-defensoras.org/2022/11/alerta-urgente-honduras-amenaza-de-desalojo-a-recuperacion-en-punta-gorda-primera-comunidad-garifuna-de-honduras/>;

Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos, HONDURAS / Continua hostigamiento y persecución contra comunidades organizadas en la OFRANEH, March 2021, <https://im-defensoras.org/2021/03/alerta-urgente-honduras-continua-hostigamiento-y-persecucion-contra-comunidades-organizadas-en-la-ofraneh/>

⁹ Amnesty International Report 2021/22: The state of the world's human rights, Honduras, 2022, pg. 238-239. See

<https://www.amnesty.org/en/documents/pol10/4870/2022/en/>

¹⁰ United Nations High Commissioner for Human rights, Human rights violations in the context of the 2017 elections in Honduras, 2018. See

https://www.ohchr.org/sites/default/files/Documents/Countries/HN/2017ReportElectionsHRViolations_Honduras_EN.pdf

¹¹ Amnesty International, Honduras: Open Letter to the candidates for the Presidency of the Republic of Honduras: Seven essential actions for building a human rights-based government programme, 16 November 2021. See <https://www.amnesty.org/en/documents/amr37/4948/2021/en/>

the ordinary courts carry out rapid, impartial, independent and effective investigations of all cases of the unnecessary and excessive use of force in the context of protests, and investigate the responsibility of commanding officers.¹²

Amnesty International also documented excessive use of force by the security forces, including the Military Police and the Armed Forces during the demonstrations in 2019 against the bills to reform the public education and health systems. The organization documented the use of teargas in inappropriate places and conditions, gunfire, beatings and other types of physical violence, which injured dozens of people. The Committee of Families of the Disappeared in Honduras (COFADEH) reported injuries to more than 60 people between 29 April and 4 June. According to government figures, 19 people were injured on a single day of protest, Wednesday 19 June, including 16 wounded by firearms. There were also reports of the death of two people, one as a result of gunfire and another from an unknown cause.¹³

In addition, in 2020, the police and the army made excessive use of force to impose curfews and local and national lockdowns introduced in response to the COVID-19 pandemic, and to put down protests against unemployment and the absence of government food aid. The organization documented injuries and arbitrary detentions (including of journalists who covered the protests), and at least one possible extrajudicial execution.¹⁴ In February 2021, Keyla Martínez, a young student nurse died from asphyxiation in police custody after being detained for allegedly violating the curfew imposed to prevent the spread of COVID-19.¹⁵

The authorities also recently made use of disproportionate measures that suspended constitutional guarantees in order to deal with “serious organized criminal violence”, including extortion. On 3 December 2022, the government announced a state of emergency, enforced by the armed forces and the PMOP for 30 days in at least 162 neighbourhoods and districts of the following cities: Tegucigalpa, Comayagüela and San Pedro Sula.¹⁶ The state of emergency was extended on several occasions and will be in force until at least 21 May 2023.

EQUALITY AND NON DISCRIMINATION (ARTICLES 2, 3, 6 AND 26)

Women and girls face high levels of gender-based violence. The National Violence Observatory at the National Autonomous University of Honduras (UNAH) recorded 330 violent deaths of women and femicides between January and December 2021, which equates to an average of 28 deaths per month or approximately one every 26 hours.¹⁷ Similarly, the Multidimensional Analysis of Public Safety (Análisis Multidimensional de Seguridad Ciudadana), carried out in 2021 by the United Nations Development Programme (UNDP) recorded a 51.6% increase in the number of denunciations of sexual offences and a 54.9% increase in denunciations of domestic violence in comparison with the previous year.¹⁸

LGBTIQ people also face high levels of violence and discrimination because of their sexual orientation and gender identity. The organization Cattrachas reported that 40 LGBTIQ people were murdered in 2022¹⁹. The great majority of these attacks remain unpunished.

In 2021, the Inter-American Court of Human Rights declared that the state of Honduras was responsible for violating the human rights of Vicky Hernández, a trans activist woman who was murdered in June 2009 during the curfew. The court also held the state of Honduras responsible for failing to investigate this occurrence. Although the authorities initially complied with some reparation measures ordered by the court, such as publication of the sentence and an act recognizing the state’s responsibility, we are concerned about the lack of planning and of sustained efforts to comply with other structural reparation measures, such as implementation of training of officials, design of a protocol for investigating attacks against LGBTIQ people, development of a procedure for the recognition of gender identity and guarantees for the collection of statistics on violence against LGBTIQ people.²⁰

Marriage between people of the same sex is not recognized. In January 2021, the National Congress of Honduras approved a reform that increased the number of votes necessary in Congress to amend the constitutional provisions that prohibit abortion and the

¹² Amnesty International, Honduras: Exercising the right to protest has a high cost for those who dare take to the streets, 5 July 2019. See <https://www.amnesty.org/en/latest/press-release/2019/07/honduras-ejercer-derecho-protesta-tiene-alto-costo/>

¹³ Amnesty International, Honduras: Open Letter to the President Juan Orlando Hernandez, 21 June 2019.

See <https://www.amnesty.org/en/documents/amr37/0584/2019/en/> and Honduras: Exercising the right to protest has a high cost for those who dare take to the streets, see footnote 11.

¹⁴ Amnesty International Report 2020/21: The state of the world’s human rights, Honduras, 2022, p.224-225. 2021.

See <https://www.amnesty.org/en/documents/poi10/3202/2021/en/> and Open Letter to the president of Honduras Xiomara Castro, a year after her government took office, see footnote 11.

¹⁵ Amnesty International, Honduras: Honduras: Death of Keyla Martínez demands prompt, exhaustive and impartial investigation, 9 February 2021.

See <https://www.amnesty.org/en/latest/news/2021/02/honduras-muerte-keyla-martinez-exige-investigacion-exhaustiva/>

¹⁶ Amnesty International, Open Letter to the President of Honduras, Xiomara Castro, a year after her government took office, see footnote 11.

¹⁷ Observatorio Nacional de la Violencia – Universidad Nacional Autónoma de Honduras, Resultados del Análisis Enero-Diciembre 2021, 2021. See

<https://iudpas.unah.edu.hn/dmsdocument/14050-boletin-muerte-violenta-de-mujeres-y-femicidios-enero-a-diciembre-2021-ed-17>

¹⁸ United Nations Development Programme, Caracterización Multidimensional de la Seguridad Ciudadana (enero a diciembre 2021), 2021, pg. 1.

See <https://www.undp.org/sites/g/files/zskgke326/files/2022-10/pnud-hn-infograf%C3%ADa-caracterizaci%C3%B3n-seguridad-ciudadana-2021.pdf>

¹⁹ Red Lésbica Cattrachas, Informe sobre muertes violentas de la comunidad LGTTBI 2017-2022. See [b262b8_31318f169864488ba9052c0bb8626dbc.pdf \(cattrachas.org\)](https://www.cattrachas.org)

²⁰ Inter-American Court of Human Rights, Resolution on the case of Vicky Hernández et al vs. Honduras, 9 September 2022. See:

https://www.corteidh.or.cr/docs/casos/articulos/seriec_422_ing.docx

marriage of people of the same sex.²¹ This increase hinders the removal of the prohibition of marriage and adoption by same sex couples.

SEXUAL AND REPRODUCTIVE RIGHTS (ARTICLES 2, 6, 7, 10 AND 26)

Despite some recent progress, there are still major obstacles that limit the rights of women and girls. The new Penal Code, which came into force in June 2020, maintains the criminalization of abortion in all cases, including when the life and health of the mother is in danger and when pregnancy results from sexual violence. In January 2021, Congress approved an amendment to the Constitution that reinforced the prohibition of abortion. A qualified majority of three-quarters of votes is now necessary for any amendment of the provisions on abortion.²²

Honduras is one of the nine countries in the world that continues to prohibit abortion under any circumstances. International human rights law states that to deny women access to abortion when there is a threat to life or health of the pregnant woman, or when pregnancy is the result of rape or incest, could violate the right of women, and of people who may get pregnant, to life, health, privacy, equal protection against discrimination and the right to personal integrity, equality and protection against discrimination, including the right to not be subjected to cruel, inhuman and degrading treatment.²³

In December 2022, the government authorized the use of emergency contraceptive pills for survivors of sexual violence,²⁴ and on 8 March 2023, it lifted the prohibition on the use and sale of emergency contraceptive pills, which were banned in October 2009.

²¹ Amnesty International, Honduras: Attack on sexual and reproductive rights, 28 January 2021. See <https://www.amnesty.org/en/documents/amr37/3594/2021/en/>

²² Amnesty International, Honduras: Attack on sexual and reproductive rights, see footnote 21.

²³ Committee on the Elimination of Discrimination against Women, L.C. v. Peru, CEDAW/C/50/D/22/2009, para. 8.15, Human Rights Committee, K.L. v. Peru, CCPR/C/85/D/1153/2003, para. 6.4; V.D.A. v. Argentina, CCPR/C/101/D/1608/2007, paras. 9.2 y 9.3, and Amnesty International, Honduras: Attack on sexual and reproductive rights, see footnote 21.

²⁴ Amnesty International Report 2022/23, see footnote 7.