



Suggested recommendations to Honduras for its review during the 36th session of the UPR Working Group, 2-13 November 2020

Key Amnesty International Documents on Honduras since the last review for reference

[Honduras: Authorities must deploy all necessary measures to locate five victims of apparent enforced disappearance](#), 31 July 2020

[Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)

[The cost of curing: Health workers' rights in the Americas during COVID-19 and beyond](#), 19 May 2020, (Index: AMR 01/2311/2020)

[Human Rights in the Americas. Review Of 2019 - Honduras](#), 27 February 2020, (Index: AMR 01/1353/2020)

[Honduras: Exercising the right to protest has a high cost for those who dare to take the streets](#), 5 July 2019

[Protest prohibited: Use of force and arbitrary detentions to suppress dissent in Honduras](#), 13 June 2018, (Index: AMR 37/8289/2018)

[Americas: The Situation of State Protection Mechanisms For Human Rights Defenders](#), 3 October 2018, (Index: AMR 01/8912/2018)

[Amnesty International Report 2017/18: The state of the world's human rights - Honduras](#), 22 February 2018, (Index: POL 10/6700/2018)

[Honduras: Submission to the United Nations Human Rights Committee 120th session, 3-27 July 2017](#), 8 June 2017, (Index: AMR 37/6417/2017)

[Amnesty International Report 2016/17: Honduras](#), 22 February 2017, (Index: POL 10/4800/2017)

[“We are defending the land with our blood”: Defenders of the land, territory and environment in Honduras and Guatemala](#), 1 September 2016, (Index: AMR 01/4562/2016)

[The state as a catalyst for violence against women: Violence against women and torture or other ill-treatment in the context of sexual and reproductive health in Latin America and the Caribbean](#), 7 March 2016, (Index: AMR 01/3388/2016)

EXCESSIVE AND UNNECESSARY USE OF FORCE

- Guarantee in practice and in law, the exercise of the right to peaceful assembly including by adopting all necessary legislative reforms and internal protocols to ensure the use of force by Honduran security forces fully complies with international standards.
- Refrain from deploying the army or the Military Police to police demonstrations, and in general, end the participation of military forces in public security tasks.
- Ensure prompt, impartial, independent and effective investigations by ordinary courts into all cases of unnecessary and excessive use of force in the context of protests in 2017, 2019 and 2020, including those resulting in deaths, arbitrary arrests and cruel, inhuman or degrading treatment, and adopt measures to ensure full cooperation by the armed forces into these investigations.

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- Ensure that people prosecuted for alleged crimes committed in the context of protests enjoy all the guarantees of legal due process and, in particular, review the proceedings in each case following arrest, and remedy any violations of due process.

HUMAN RIGHTS DEFENDERS

- Publicly recognize the important role of all human rights defenders and adopt measures to guarantee their rights to life and personal integrity, ensuring sufficient resources for their effective protection through comprehensive strategies that incorporate preventive, collective and gender-sensitive approaches.
- Take all necessary and appropriate measures to search for and locate the five victims of apparent enforced disappearances perpetrated in the garífuna community of Triunfo de la Cruz in July 2020.
- Ensure thorough, prompt, impartial and independent investigations into all attacks, threats and assaults against human rights defenders, and bring to justice those suspected of criminal responsibility for such crimes. In particular, ensure that the investigation into the murder of Indigenous leader and human rights defender Berta Cáceres is aimed at identifying and bringing to justice all those who ordered the killing, and guarantee the family's access to justice, truth and reparations.
- Refrain from misusing the justice system to intimidate, harass and discredit human rights defenders, and initiate prompt, thorough and impartial disciplinary and criminal investigations, as appropriate, against authorities that misuse the justice system to criminalize human rights defenders.
- Review criminal proceedings opened against human rights defenders and, where there is no basis for continuing them, close them or request that the respective judges dismiss the cases as unfounded.
- Address structural causes of social conflicts related to the exploration and exploitation of natural resources, on the basis of respect for the human rights of Indigenous peoples and Afro-descendant communities, and in particular, ensure an inclusive consultation process with them on any law or regulation to implement free, prior and informed consultation.

CRIMINAL JUSTICE SYSTEM

- Reform or remove from the proposed new criminal code provisions that are either ambiguous or contrary to the principle of legality (i.e. articles 554, 574, 584, 587), and therefore could be arbitrarily interpreted to unduly restrict and criminalize the exercise of the rights to freedom of peaceful assembly and of association, as indicated by the by the Office of the High Commissioner for Human Rights in Honduras and civil society organizations.
- Refrain from misusing criminal legislation and courts of national jurisdiction as means to prosecute human rights defenders and those exercising their right to freedom of expression, by accusing them of organized crime related offences.

SEXUAL AND REPRODUCTIVE RIGHTS

- Decriminalize abortion in all circumstances, and ensure access to abortion in law and in practice for women, girls and all people who can become pregnant, as a minimum in cases where the pregnancy poses a risk to the life or health of the pregnant woman, where the fetus suffers from fatal or severe impairment, or where the pregnancy is the result of rape or incest.

DISCRIMINATION

- Ensure the right to equality and non-discrimination for all persons without distinction, and in particular adopt all measures, including legal reforms, to recognize marriages and partnerships between same-sex couples.

- Conduct exhaustive investigations into all crimes and human rights violations committed against LGBTI people with the aim of identifying, prosecuting and punishing those responsible. The different possible lines of investigation should include those aimed at determining whether the crimes were committed on the basis of the victim's sexual orientation and/or gender identity.

MIGRANTS AND REFUGEES

- Urgently address the factors that force people to move internally or to flee Honduras, including widespread violence, human rights violations, inequality, endemic impunity and situations that particularly affect LGBTI people, women and children.
- Ensure that all reception, reintegration and protection programmes for Honduran returnees take into consideration the rights and specific protection issues relating to groups such as women, indigenous people, LGBTI people and unaccompanied children.
- Ensure mechanisms to properly identify whether Honduran deportees are in danger in their communities of origin and, if this is found to be the case, provide them with adequate and immediate relocation and protection.
- Refrain from implementing the Asylum Cooperative Agreement (ACA), also known as Safe Third Country Agreement, signed in 2019 with the United States, as it would put at risk those transferred to Honduras and forced to seek asylum there instead of in the United States.

COOPERATION WITH INTERNATIONAL AND REGIONAL HUMAN RIGHTS MECHANISMS

- Fully cooperate with regional and international human rights bodies and mechanisms, including the United Nations Office of the High Commissioner for Human Rights.

PANDEMIC RESPONSE MEASURES

- Ensure that any penalty for breaching lockdown and other coercive enforcement measures conform with the principles of legality, necessity, proportionality and non-discrimination and ensure the powers and responsibilities of law enforcement officials are clearly circumscribed and refrain from bestowing additional powers to enforce lockdown measures
- Ensure all health and essential workers have access to adequate Personal Protective Equipment (PPE) by:
 - Collecting and publishing data on access, gaps and shortages in the supply of PPE to allow for a more comprehensive assessment of needs and a more equitable distribution of PPE;
 - Prioritizing the delivery of existing PPE stocks to health and essential workers experiencing shortages, before allowing access to other industries that are not as key now
- Ensure that all health and essential workers can exercise their right to freedom of expression without fear of reprisals and ensure that employers put in place systems that allow health and essential workers to report on health and safety risks and require that they are addressed in an appropriate manner.
- Publicly recognise the role of health and essential workers in defending human rights during the pandemic and provide a safe and enabling environment in which they can exercise their work free from reprisals, intimidation or threats.
- Ensure health workers are protected from stigma and abuse in relation to their employment.
- Recognise COVID-19 as an occupational disease, and ensure that health and essential care workers who contract COVID-19 as a result of work-related activities are able to claim compensation and medical and other necessary care and provide compensation to the families of any health and essential care workers who die as a result of contracting the illness at work.

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- Set up a comprehensive, effective and independent review into Honduras' response to the COVID-19 pandemic and provide adequate and accessible remedies for any human rights violations caused by government agencies.
- Develop a plan to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary. The plan should include a detailed assessment of the amount of public health spending necessary to ensure that all persons can enjoy the right to health, and options to finance increased public health spending.
- Ensure that economic recovery packages protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis and set up monitoring and review mechanisms to assess their impact and amend them as necessary.

CLIMATE AND HUMAN RIGHTS

- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

In compliance with its obligations under human rights law to protect human rights from the adverse effects of the climate crisis:

- Respect, protect and fulfil the right to information, participation and to effective remedies, as well as to freedom of expression and assembly in all climate policies and strategies in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions).
- Develop all climate policies and strategies with full consultation of all people in Honduras, and ensure that gender equality and the rights of marginalised groups are fully embedded in such policies and strategies so that people can participate effectively in decisions affecting them.
- Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.
- Identify Honduras' exact needs in terms of technology transfer and financial resources needed from wealthier countries to reduce emissions nationally in a manner compatible to keeping the increase in average global temperature below 1.5°C and to adequately support people in the country to adapt to climate change.
- Adopt a new Nationally Determined Contribution and a mid-century strategy to align Honduras' emissions reduction targets for 2030 and 2050 with the imperative to keep global average temperature increase below 1.5°C above pre-industrial levels, including clear timelines to phase out use of all fossil fuels as soon as possible, ensuring that affordable renewable energy generated in full compliance with human rights standards is available to all, and that the transition to a zero-carbon economy is fair, human rights compliant and reduces inequalities.
- Establish regulations and policy measures to ensure that businesses reduce emissions by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the scientific findings of the IPCC.

INTERNATIONAL LAW AND HUMAN RIGHTS STANDARDS

- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
- Ratify ILO Conventions 155 (Occupational Health and Safety) and the recently adopted ILO Violence and Harassment Convention of 2019, at the earliest date possible.

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- Opt-in to the inquiry and inter-state procedures of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights