



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/HND/CO/1
13 December 2006

ENGLISH
Original: SPANISH

HUMAN RIGHTS COMMITTEE
Eighty-eighth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

HONDURAS

1. The Committee considered the initial report of Honduras (CCPR/C/HND/2005/1) and HRI/CORE/1/Add.96/Rev.1 at its 2398th, 2399th and 2400th meetings (CCPR/C/SR.2398, 2399 and 2400), on 16 and 17 October 2006, and adopted the following concluding observations at its 2414th meeting (CCPR/C/SR.2414), on 27 October 2006.

A. Introduction

2. The Committee welcomes with satisfaction the initial report of Honduras. It regrets, however, that the report was submitted more than six years late. It expresses its appreciation for the frankness shown by the State party both in the preparation of its report and in its written and oral replies. The Committee commends the high level of the State party's delegation and its willingness to answer the Committee's questions, which facilitated an open and constructive dialogue concerning various problems that exist in its territory.

B. Positive aspects

3. The Committee welcomes the State party's ratification of the Rome Statute of the International Criminal Court (2002), as well as its accession to the principal international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination (2002), the two optional protocols to the Convention on the Rights of the Child (2002), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1996) and the Inter-American Convention on Forced Disappearance of Persons (2005).

4. The Committee takes note with satisfaction of the legislative reforms carried out by the State party, particularly the constitutional abolition of the death penalty, the recent amendments to the Criminal Code, the adoption of the new Code of Criminal Procedure (1999) and the Children and Adolescents Code (1996), as well as the reduction in the number of pending cases as a result of the adoption of the adversarial criminal justice system. It further welcomes the establishment of the National Human Rights Commissioner and the Public Prosecutor.

C. Principal subjects of concern and recommendations

5. The Committee appreciates the State party's efforts to identify cases of enforced disappearances, including the publication by the National Human Rights Commissioner of the preliminary report on enforced disappearances in Honduras in 1993, which contains a list of 183 disappeared persons. It is concerned, however, that the fact that enforced disappearance is not qualified as a crime in the Criminal Code has contributed to impunity and that the cases included in the aforementioned list have not yet been investigated, particularly in the light of the time that has elapsed since the publication of the report (articles 2 and 6 of the Covenant).

The State party should amend the Criminal Code in order to include the crime of enforced disappearance. It should also ensure that the cases of enforced disappearance are duly investigated, that those responsible are prosecuted and, where appropriate, punished and that the victims or their relatives receive fair and adequate compensation.

6. The Committee takes note of the establishment of the National Women's Institute, as well as of the progress in promoting the public participation of women, through the adoption of the Equal Opportunity for Women Act. However, the Committee regrets that discrimination against women, particularly with regard to access to and participation in publicly elected posts and in the public administration, persists in practice and that the existing system of open lists does not make it possible to ensure a sufficient proportion of women representatives (articles 3, 25 and 26 of the Covenant).

The State party should ensure adequate financing for the National Women's Institute, as well as the effective implementation of the legislative measures adopted to increase the participation of women in all areas of public life.

7. The Committee welcomes the adoption of the Domestic Violence Act, and the creation of telephone hotline 114, which enables the police to assist women endangered by domestic violence. The Committee is concerned, however, at the persistence of a high number of violent deaths of women and of ill-treatment as a recurrent practice, as well as the impunity of the aggressors (articles 3 and 7 of the Covenant).

The State party should take appropriate steps to combat domestic violence and ensure that those responsible are prosecuted and appropriately punished. The State party is invited to educate the general public about the need to respect women's rights and dignity, with a view to changing cultural patterns. The Committee also invites the State party to provide statistics on the number of interventions carried out in response to telephone hotline 114.

8. The Committee expresses its concern at the unduly restrictive legislation on abortion, particularly in cases where the life of the mother is endangered (article 6 of the Covenant).

The State party should amend its legislation so as to help women avoid unwanted pregnancies and ensure that women need not resort to clandestine abortions, which could endanger their lives. The State party should also amend its legislation on abortion in order to bring it into line with the Covenant.

9. The Committee takes note of the establishment of the Commission for the Physical and Moral Protection of Children and other bodies to investigate children's deaths. However, it is concerned at the persistently high number of extrajudicial executions of children, which apparently target street children and members of youth gangs in particular (articles 6 and 24 of the Covenant).

The Committee urges the State party to investigate all cases of extrajudicial executions of children, prosecute those responsible and ensure that the relatives of the victims receive fair and adequate compensation. The Committee recommends that the State party consider the possibility of establishing an independent mechanism, such as a children's ombudsman. The State party should ensure that incidents of this kind do not occur in the future. It should hold training courses for officials who deal with children. It should also conduct campaigns to raise awareness of this problem among the general public.

10. The Committee notes with concern the excessive use of force and firearms by security forces and prison staff, as a recurrent practice, including beatings and killings, particularly in adult penitentiaries and juvenile detention centres. It is particularly concerned that no measures have been taken to punish those responsible for the incidents at El Porvenir and San Pedro Sula prisons. Another cause for concern is the failure to apply in practice the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (articles 6 and 7 of the Covenant).

The State party should supply and keep track of all weapons belonging to police forces and provide them with appropriate human rights training in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The State party should ensure that allegations of excessive use of force are thoroughly investigated and that those responsible are prosecuted. The victims of such practices, or their relatives, should receive fair and adequate compensation.

11. The Committee notes with concern the situation of street children, of whom there are an alarming number. Such children are at the greatest risk of violence and are vulnerable to sexual exploitation (articles 7, 8 and 24 of the Covenant).

The State party should take urgent and appropriate steps to identify the causes of the growing number of street children, develop programmes to address those causes, provide shelter for the children, identify, compensate and assist the victims of sexual abuse and bring those responsible to justice.

12. The Committee notes with concern the alarming spread of child labour, particularly in rural and indigenous communities (articles 8 and 24 of the Covenant).

The State party should take urgent steps to eliminate child labour and ensure that all children of school age attend school.

13. The Committee is concerned at the frequent use of arrest on suspicion by members of the security forces, including mass round-ups based on appearance alone and with no warrant from a competent authority. It notes with concern the broad wording of new article 332 of the Criminal Code, which establishes the offence of “unlawful association”, on the basis of which large numbers of juveniles have reportedly been detained, along with human rights activists and homosexuals (articles 9 and 26 of the Covenant).

The State party should ensure that detentions are carried out in accordance with the provisions of article 9 of the Covenant and that those detained are brought before a court without delay. It should also consider the possibility of amending article 332 of the Criminal Code so as to restrict the definition of the offence of unlawful association.

14. The Committee takes note of the progress made by the State party, since the adoption of the new Code of Criminal Procedure, in relieving overcrowding by reducing the number of persons in pretrial detention. The Committee is concerned, however, at the persistently high proportion of prisoners in pretrial detention and at the lengthy duration of such detention (articles 9 and 14 of the Covenant).

The State party should continue to take the necessary steps to reduce the number of persons in pretrial detention as well as the duration of such detention.

15. The Committee is concerned about prison conditions in the State party, namely, overcrowding, unsatisfactory conditions of imprisonment, including at times a lack of drinking water or sanitation, the failure to separate accused persons from convicts and the practice of keeping prisoners in isolation for prolonged periods. It is also concerned at the ease with which prisoners can obtain firearms and drugs. The situation of juveniles deprived of their liberty gives particular cause for concern (articles 7 and 10 of the Covenant).

The State party should improve prison conditions in order to bring them into line with the provisions of article 10 of the Covenant. It should also ensure the application of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations.

16. The Committee notes the State party’s implementation of selection procedures for judges in accordance with the Judicial Council Act. It is concerned, however, at the failure to establish an independent body to safeguard the independence of the judiciary and to supervise the appointment, promotion and regulation of the profession (article 14 of the Covenant).

The State party should take effective action to safeguard the independence of the judiciary, including the prompt establishment of an independent body to safeguard the independence of the judiciary and to supervise the appointment, promotion and regulation of the profession.

17. The Committee welcomes the Supreme Court's ruling that the offence of "disrespect for authority", which had become a means of restricting freedom of expression, is unconstitutional. It is nevertheless concerned at the cases of harassment and deaths of journalists and human rights defenders, and at the apparent impunity of the perpetrators (articles 19 and 6 of the Covenant).

The State party should take the necessary steps to prevent any harassment of journalists and human rights defenders and ensure the full implementation of the provisions of article 19 of the Covenant. The State party should also ensure that those responsible for the deaths of journalists and human rights defenders are prosecuted and punished and that the relatives of the victims are duly compensated.

18. The Committee takes note of the State party's efforts to register all births. It regrets, however, the persistently high number of unregistered children, particularly in rural areas and indigenous communities (articles 16, 24 and 27 of the Covenant).

The Committee recommends that the State party adopt the necessary programme and budgetary measures to ensure birth registration, including the registration of adults.

19. The Committee is concerned at various problems affecting indigenous communities, particularly discrimination in the areas of health, employment and education, as well as indigenous communities' land rights. It is concerned at the failure to include in the Agrarian Reform Act a specific article on the recognition of title to ancestral indigenous lands (article 27 of the Covenant).

The State party should guarantee members of indigenous communities the full exercise of the right to enjoy their own culture. It should take the necessary steps to resolve the problems related to ancestral indigenous lands.

The Committee requests that the State party's initial report and these concluding observations be widely disseminated throughout the State party in all official languages.

In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on the assessment of the situation and the implementation of the Committee's recommendations in paragraphs 9, 10, 11 and 19.

The Committee requests the State party to provide in its next report, which it is scheduled to submit by 31 October 2010, information on the other recommendations made and on the Covenant as a whole.
