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HUMAN RIGHTS COMMITTEE

Eighty-eighth session

SUMMARY RECORD OF THE 2398th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 16 October 2006, at 3 p.m.

Chairperson: Ms. CHANET

later: Mr. SOLARI YRIGOYEN
(Vice-Chairperson)

later: Ms. PALM
(Vice-Chairperson)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS UNDER ARTICLE 40 OF THE COVENANT
(agenda item 6)

Initial report of Honduras (CCPR/C/HND/2005/1; CCPR/C/HND/Q/1 and Add.1;
HRI/CORE/1/Add.96/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of Honduras took places at the Committee table.
2. Mr. JIMÉNEZ PUERTO (Honduras), introducing the initial report of Honduras (CCPR/C/HND/2005/1), drew attention to the high proportion of women in the delegation, which illustrated the progress made in the area of gender equality in a traditionally male-dominated society. When examining the current human rights situation in Honduras, it was important to bear in mind its history of State-sponsored violence and other human rights violations. The members of the current Government had long supported the cause of human rights, and some had themselves been victims of enforced disappearance. Consequently, and irrespective of political allegiances or economic interests, the present leadership was firmly committed to the promotion and protection of human rights, and considerable progress had been made in the consolidation of democratic institutions and compliance with international human rights instruments.
3. At the invitation of his Government, the Working Group on Arbitrary Detention and the Working Group on mercenaries had in 2006 carried out fact-finding missions in Honduras. Both groups had confirmed the Government's political will to address persisting human rights challenges. To that end, measures had been taken to establish a unified register of prisoners, provide human rights training for judicial personnel, strengthen the Office of the Public Prosecutor, amend the Code of Criminal Procedure and the Code of Civil Procedure, compensate victims of human rights violations and their families, reform the prison system, and grant pardons to over 900 prisoners.
4. An inter-agency body had been set up to coordinate public policies aimed at combating impunity and to monitor compliance with international human rights instruments to which Honduras was a party. His Government was committed to fostering a culture of respect for individual and collective rights, including through international cooperation. In addition, measures were being taken to address broader human rights issues such as crime, poverty and marginalization.
5. Ms. DUBÓN VILLEDA (Honduras), replying to question 1 of the list of issues (CCPR/C/HND/Q/1), said that international treaties ratified by Honduras, including the International Covenant on Civil and Political Rights, carried the same legal weight as domestic legislation. Moreover, treaty provisions took precedence over any national laws inconsistent with them. Human rights treaties had the same status as the Constitution and formed part of the so-called "constitutional arsenal".

6. Two universities and the Higher Institute of Police Education offered degree courses in human rights. A human rights training module for judicial personnel with special emphasis on the Covenant was currently being prepared. International instruments were frequently invoked in domestic court proceedings; specific information on cases relating to the Covenant was provided in the report and written replies.
7. Mr. JIMÉNEZ PUERTO (Honduras), turning to question 2, said that the Office of the National Human Rights Commissioner established in 1992 was mandated to uphold the rights and freedoms laid down in the Constitution. The Office of the Public Prosecutor had been set up in 1993 in order to ensure the independent investigation, prosecution and punishment of violations of those rights. The first human rights report published by the Office of the National Human Rights Commissioner in 1993 contained, inter alia, information concerning the 183 persons reported to have disappeared during the 1980s. On the basis of that report, the Office of the Public Prosecutor had initiated criminal proceedings against some of the alleged perpetrators, including several State officials. The Government was cooperating with the Argentine authorities in the exhumation and identification of disappeared persons, with a view to bringing further criminal proceedings. Several petitions in respect of enforced disappearances had been lodged with the Inter-American Commission on Human Rights. Amicable settlement agreements had been reached in some cases and the victims or their relatives had received compensation.
8. Ms. PONCE (Honduras) said that the Office of the Public Prosecutor had set up a special unit to investigate the fate of the 183 disappeared persons. Criminal legislation had been amended to include the specific crime of enforced disappearance, with the possibility of reopening cases that had previously been tried unsuccessfully. The experience of countries such as Argentina and Chile had provided useful guidance in that regard.
9. Ms. DUBÓN VILLEDA (Honduras) said that three cases of enforced disappearance were currently pending in domestic courts. While not all cases resulted in conviction, the proceedings brought the issue to public attention and helped preserve the country's historic memory. The case of Ángel Manfredo Velázquez Rodríguez, for example, had been the first to be adjudicated by the Inter-American Court of Human Rights. The faithful implementation by Honduras of the Court's decision had given a considerable boost to the inter-American system, which played a key role in filling legal gaps.
10. Mr. JIMÉNEZ PUERTO (Honduras), referring to question 3, said that the establishment of an Inter-agency Commission on Human Rights had been motivated by the need to coordinate institutional efforts aimed at promoting and protecting human rights. The administrative decree establishing the commission had, however, been annulled. Efforts to establish a new coordinating body were nevertheless continuing since the Government recognized the interrelated nature of all human rights and sought to involve all ministries in their promotion.
11. Ms. DUBÓN VILLEDA (Honduras) pointed out that the decree establishing the commission had been rescinded at the request of the Office of the National Human Rights Commissioner, which had argued that the commission's areas of competence overlapped those of the Commissioner. Such duplication had been unintentional. The original idea had been to establish a body to follow up cases brought before, inter alia, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

12. Mr. ROSA BAUTISTA (Honduras) said that the Inter-agency Commission on Human Rights had been established to provide an effective response to the important issues relating to Honduran obligations under international human rights law. After rescinding the decree establishing that body, his Government had concluded that it was necessary to have a mechanism that would continue to interact and coordinate with all governmental institutions not only in responding to human rights violations but also in promoting human rights. The written replies to the list of issues had been drafted by a team of devoted public officials who felt that they were part of a historic process in which the Government was diligently pursuing its economic, educational and institutional development.

13. Mr. JIMÉNEZ PUERTO (Honduras) said that, although few in number, women's organizations had played an important role in Honduras during difficult periods in its history. In recent years, there had been a gradual move towards allowing such organizations an increased level of participation in governance. Family legislation enacted in 1985 gave Honduran women more extensive rights in terms of divorce, property ownership and custody of children than in other more affluent Latin American countries; however, much more progress was needed. Policies concerning women's rights, for example, tended to be geared to middle-class women with university degrees and to overlook the specific needs of the many poor women living in rural areas and caring for large families. A special women's rights division had been set up within the Office of the Public Prosecutor, but there was general agreement within the Government that more efforts were needed to fight discrimination against women before Honduras could consider itself to be a truly democratic society.

14. Ms. ESTRADA DE UCLÉS (Honduras) said that, owing to budgetary constraints, the National Women's Institute was continuing to implement the plan of action for women initiated by the previous Administration. It was working jointly with civil society organizations to combat discrimination against women and was guided in its efforts by the Covenant, and also by the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. The result of those efforts was the development of a single consistent policy regarding women's rights at both the national and international levels.

15. The amended Elections and Political Organizations Act established a quota of 30 per cent for the participation of women in elected offices. The introduction of the quota had produced dramatic results, and there were currently 31 women deputies and 27 alternates in the National Congress, which represented increases of 24 per cent and 21 per cent respectively over the figures for the previous Administration. Other high-level offices held by women included that of Vice-President of the National Congress and eight Cabinet Ministers.

16. The National Women's Institute, together with an association of over 100 NGOs, had launched an initiative to raise the quota for women's participation in elected offices to 50 per cent, and to specify the particular offices for which women could stand. It had organized a workshop with the newly elected women deputies in the National Congress to provide training and awareness concerning the reforms under way in the areas of political representation and gender equality.

17. Through the Ministry of Security, a police hotline had been set up to enable women victims of domestic violence to obtain help more quickly, without having to obtain a court order.

The Ministry had been requested to investigate and report on all cases of murder involving women. In working to overcome discrimination against women, it was necessary to combat cultural stereotypes at the local level. The National Women's Institute had opened 70 branch offices in municipalities throughout the country; they implemented various projects, including literacy campaigns, HIV/AIDS projects and income-generating schemes. The Institute planned to make its presence felt throughout the country and at the international level.

18. Mr. JIMÉNEZ PUERTO (Honduras) said that, in reformulating the poverty reduction strategy, the new Administration, in close collaboration with women's organizations and other civil society organizations, was focusing on income-generation projects and small-business development. Such projects were necessary to correct the structural problem of discrimination against women, which legislation alone was not sufficient to address. A solidarity network directed by the wife of the President had been established to assist some 200,000 poor families, 45 per cent of which were headed by women. The network provided them with food and credit for starting up small businesses. To be successful, such efforts depended on the support of local NGOs.

19. Mr. LANDAVERDE (Honduras) said that the National Police had carried out dramatic changes to ensure respect for human rights in Honduras. They had organized campaigns to promote reporting of acts of domestic violence and provided training to officers dealing with such reports. It had set up special police units to attend to women and girl victims of violence and drug abuse, and to improve the treatment of female prisoners, including the introduction of special programmes providing psychological support and job training.

20. Ms. DUBÓN VILLEDA (Honduras) said that the Supreme Court had approved the establishment (as from January 2007) of specialized courts and judges to handle cases of domestic violence.

21. Mr. JIMÉNEZ PUERTO (Honduras) said that criminal investigations into the violent deaths of women carried out by forensic doctors would help to curb violence against women because they would lead to the identification and prosecution of the perpetrators. Measures aimed at changing ingrained Latin American attitudes such as male chauvinism were needed to help prevent violence against women. Considerable progress had been made since the 1980s, when so many Hondurans had lost their lives as a result of political struggles or social conflicts relating to land ownership.

22. There was certainly no State policy to execute persons who posed a serious threat to society. The Government had abandoned its policy of zero tolerance for gangs, which it no longer considered to be an appropriate solution. Repressive measures were not enough; the root causes of gang violence needed to be examined in order to prevent young people who became involved in gangs from later turning to organized crime. A project in Tegucigalpa aimed at 16,000 young people who neither worked nor attended school provided them with general education and job skills to enable them to be reintegrated into society; there were plans to replicate the project in other areas of the country. The Government had allocated over half of its general budget to health and education - an unprecedented figure that demonstrated its commitment to improving the lives of all Hondurans. The Government was taking further measures to promote school attendance such as ensuring that fees were not charged for primary education and offering free lunches to schoolchildren and their siblings.

23. The Human Rights Division of the Public Prosecutor's Office undertook permanent monitoring of the conduct of State officials. Compensation was provided to any victims of human rights abuses perpetrated by such officials.

24. Mr. Solari Yrigoyen (Vice-Chairperson) took the Chair.

25. Ms. PONCE (Honduras) said that the Special Investigation Unit on Violent Child Deaths, set up under the Public Prosecutor's Office, had found that about 12 per cent of recorded cases had involved State officials. In addition to investigating all cases of violent death, her Government had established a national prevention, rehabilitation and social reintegration programme for gang members, since the majority of such deaths had resulted from clashes between gangs.

26. Torture had been included in the Criminal Code and the Government was taking measures to implement the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it had ratified in May 2006. The deputy governor of El Porvenir prison had been sentenced in relation to the incidents that had occurred there in April 2003 and other officials were currently in detention awaiting trial. The Public Prosecutor's Office had attributed the deaths in San Pedro Sula prison in May 2004 to an electrical fault. Efforts to secure compensation for the victims of those incidents were under way. Reform of the Code of Criminal Procedure had enabled the Office to initiate civil actions on behalf of victims who could not afford to do so themselves.

27. Mr. LANDAVERDE (Honduras) said that his Government provided training to all State officials to ensure a common understanding of the appropriate use of force and firearms. Special units investigated all cases of excessive use of force by officials. When undertaking joint patrols with the police, members of the armed forces did not make arrests or carry out other police duties; their mandate was to maintain the peace. All State officials were provided with a copy of their code of conduct, and police officers were given handbooks detailing action that constituted excessive use of force.

28. Ms. DUBÓN VILLEDA (Honduras) said that Honduran criminal justice employed the adversarial system, which did not usually allow pretrial detention. However, in order to prevent further anguish for relatives of the victims of the incidents at El Porvenir, the officials awaiting trial in that connection had been placed in detention.

29. Ms. PONCE (Honduras) said that prison management was currently in the hands of the police, and prison staff were not given adequate training in carrying out their duties. Many cases of ill-treatment in prison had been reported. New legislation was being drafted to reform the prison system. Both national and international bodies had condemned the conditions in Honduran prisons and steps were being taken to improve the situation. The Public Prosecutor's Office worked in conjunction with NGOs in carrying out random visits to prisons and detention centres, in accordance with the provisions of the Optional Protocol to the Convention against Torture. Under new regulations, staff of the Offices of the Public Prosecutor and the National Human Rights Commissioner made unannounced visits to prisons and detention centres and monitored the situation of detainees. Inhuman or degrading treatment and torture were criminal offences and the National Human Rights Commissioner was responsible for initiating proceedings against perpetrators of such acts.

30. Mr. LARA WATSON (Honduras) said that his Government had set up a number of shelters for victims of human trafficking for sexual exploitation. Following a regional conference on migration which had initiated a number of measures to combat trafficking in persons, a campaign had been launched to raise public awareness of such crimes. While El Salvador, Guatemala, Honduras and Nicaragua had agreed to allow the free movement of persons across their borders, all four countries had improved monitoring of the movement of children across those borders. The Government was aware that further measures were needed to prevent trafficking in persons, a task which would be facilitated by the criminalization, in February 2006, of the sexual and commercial exploitation of persons.
31. The activities of the Special Investigation Unit on Violent Child Deaths had been hampered by a lack of resources. A draft decree allocating increased resources for the unit was currently before the Government.
32. Ms. PONCE (Honduras) said that measures to eliminate child labour had included increased random inspections, particularly in tourist areas. Illegal and child workers' documentation was checked during such inspections and employers were made aware that it was illegal to employ minors.
33. Ms. DUBÓN VILLEDA (Honduras) said that alternatives to pretrial detention were not available to persons accused of drug trafficking or money laundering.
34. Ms. PONCE (Honduras) said that judges took into account the individual circumstances of all defendants in deciding whether to detain them prior to trial. Given the poor state of the detention facilities available, pretrial detention was not generally ordered in the case of minors. Several measures had been introduced to prevent arbitrary detention; while that practice had not yet been totally eliminated, much progress had been made.
35. Mr. LANDAVERDE (Honduras) said that increased police training since the introduction of the revised Code of Criminal Procedure had ensured that most arrests were legal and resulted in detainees going to trial.
36. Mr. RIVAS POSADA requested clarification of the procedure followed when an international instrument which the Government had ratified, or was considering ratifying, was at variance with a constitutional provision. He asked whether individuals had the right to invoke provisions of international instruments before domestic courts even if those provisions had not been incorporated into domestic legislation.
37. The identification of victims of enforced disappearance was obviously a priority. He wished to know what measures had been taken to investigate such cases and punish the perpetrators, particularly given that the issue had first been raised in 1993. Although the Committee was aware of the difficulties faced by the State party, which had been the scene of conflicts and public order disturbances, every effort should be made to ensure that cases of enforced disappearance were addressed properly, that the perpetrators were brought to justice and that the victims were granted adequate compensation. He wished to know how cases were

handled under the inter-American legal system. Although legislation had been adopted to regulate judicial proceedings against military personnel involved in cases of enforced disappearance, further information on how that legislation was implemented in practice would be welcome.

38. Turning to the question of pretrial detention, he said that although positive changes had been made in the criminal justice system in Honduras, too many criminal proceedings were unduly lengthy and therefore resulted in excessive periods of pretrial detention, which exacerbated the problem of overcrowding in prisons. Although legislation had been adopted that partly alleviated the problem of excessive pretrial detention, there was still a considerable number of unconvicted prisoners. Further efforts were required to address that situation.

39. The Committee had been informed that a number of arrests had been made on the basis of suspicion that certain individuals, particularly members of gangs, could pose a threat to public order and security. A balance must be struck between ensuring security and respecting the basic rights of the individual. He encouraged the State party to take measures to ensure that arrests were not made on the basis of mere suspicion or fear, and to strengthen human rights protection in areas where violence and conflict had occurred.

40. Ms. Palm (Vice-Chairperson) took the Chair.

41. Mr. SOLARI YRIGOYEN said that the Committee shared the delegation's concerns about a number of situations, including the power of the police to take into custody individuals who merely looked suspicious. That practice should be eliminated. Prison overcrowding should also be addressed. He requested further information on measures taken to prevent extrajudicial execution, in particular on how offences of that nature were investigated and tried, and how the perpetrators were brought to justice. Statistics should be provided on the number of cases investigated, the number of sentences handed down, and the number of victims and relatives granted compensation.

42. Mr. ANDO asked whether men and women were perceived as equals in society. He wished to know whether mothers enjoyed the right to transmit their nationality to their children, and whether widows enjoyed the right to inherit their late husband's property, and if so, what percentage of his property they were entitled to receive. He wondered whether any distinction was made between the inheritance rights of boys and girls, and whether women had the right to apply to the courts for property ownership during divorce proceedings. Although abortion was prohibited by law, he wished to know whether it was permitted in cases of rape. He wondered whether women had adequate access to family planning, and whether women's reproductive rights were adequately protected.

43. Mr. KHALIL requested further information on the results of training schemes for police providing assistance to women in need. The Committee had been informed that there had been cases of brutal murders of women in the north of Honduras, the perpetrators of which had never been brought to justice. According to some NGOs, the high level of impunity in those cases was a direct result of the shortage of prosecutors. The Committee had been informed that 70 per cent of cases in which women were victims went unpunished. Cultural attitudes towards women

must be changed in order to rectify that situation. Although domestic violence was prohibited under the Criminal Code, offences remained widespread and penalties were particularly lenient. Efforts should be made to increase the number of shelters available for victims of domestic violence.

44. The most serious human rights violations in Honduras were suffered by inmates in State prisons. It was particularly surprising that such inmates were able to acquire firearms, and although the majority of violations in prisons were committed by inmates rather than by prison staff, the State was still responsible for ensuring prison security. He asked why so little was being done to improve training for law enforcement officials. He wished to know what measures were being taken to reduce overcrowding in prisons, and whether efforts would be made to reduce periods of solitary confinement, which were excessively long. Had new legislation on the prison system been adopted? And were methods in place to remove lethal weapons from prisons?

45. Turning to the issue of police brutality against peasants who had participated in a peaceful demonstration for land rights, he asked why the police had not been specifically instructed to refrain from the practice of arresting people en masse on the grounds that they looked suspicious. He wished to know why cases of violation of human rights by law enforcement officials had not been officially investigated. He asked whether institutional problems affecting the police and judiciary were being addressed. The Committee had been informed that a number of human rights activists who had opposed anti-gang legislation had been attacked, and some even killed. He wished to know what action had been taken to investigate those incidents and bring the perpetrators of the violence to justice.

46. Mr. JOHNSON LOPEZ, Country Rapporteur, said that the Government of Honduras had made specific efforts to safeguard the rights enshrined in Covenant articles 8 and 24 on slavery, forced labour and children's rights, particularly in the area of the prevention of child labour. Although legislation had been enacted on those questions, thorough investigation was still required in order to establish a database of information and statistics. He wondered whether child labour and exploitation networks in Honduras operated in cooperation with networks in neighbouring countries. He also requested further information on the work done by the inter-agency commission for the prevention of sexual exploitation of children and adolescents.

The meeting rose at 6 p.m.