**UNOFFICIAL ENGLISH TRANSLATION OF REPORT A/HRC/55/22**

 **Situation of human rights in Honduras**

 **Report of the United Nations High Commissioner for Human Rights**

|  |
| --- |
| *Summary*In the present report, the United Nations High Commissioner for Human Rights describes the human rights situation and the activities of his office in Honduras from 1 January to 31 December 2023. The report highlights the main progress and challenges in the promotion and protection of human rights, and concludes with recommendations to the State.  |
|  |
|  |

Anexo

**Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Honduras**

 I. Introduction

1. This report is presented in accordance with Article V (4) of the agreement signed between the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Government of Honduras on 4 May 2015. The report and its analyses are based on information collected by OHCHR in the country and information provided by state authorities, civil society and victims.

2. OHCHR continued to observe in situ the human rights situation in Honduras and to provide technical assistance for the promotion and protection of human rights. The Office continued working on the thematic priorities set in previous years, including strengthening of the rule of law, particularly access to justice, the promotion of civic space and public participation, the promotion of economic, social and cultural rights, including the right to a clean, healthy and sustainable environment, the promotion of equality and non-discrimination of persons in vulnerable situations, as well as the prevention and early warning of social conflicts and human rights violations.

 3. OHCHR conducted 214 field missions to verify the human rights situation, including 25 visits to prisons. It implemented 184 technical assistance and institutional strengthening processes aimed at state institutions, conducted 53 workshops and training sessions, and monitored 44 judicial processes. It also provided technical support to more than 140 civil society organizations and implemented 13 communication campaigns to promote human rights.

 II. Context

4. OHCHR values efforts made by the State to advance in the promotion and protection of human rights and in particular to reduce inequality. The Office also recognizes the openness and commitment of the State of Honduras as expressed in the various requests for technical assistance made to the Office to support structural reform processes in the area of human rights, including the initiative that led to the adoption of Resolution 54/30 by the Human Rights Council.

5. The situation described in this report takes place in a context of structural challenges that underlie human rights violations and require short, medium and long term measures to be addressed. According to official figures, poverty levels reduced from 73.6% in 2021 to 64.1% in 2023, extreme poverty from 53.7% in 2021 to 41.5% in 2023[[1]](#footnote-2), while inequality also reduced considerably, with the Gini coefficient decreasing from 0.61 in 2021 to 0.51 in 2023[[2]](#footnote-3). However, the enjoyment of socioeconomic rights continues to be impacted by inequality, poverty and the lack of equitable access to land and natural resources, particularly for Indigenous Peoples, Afro-Hondurans and peasants, which impedes significant progress in the construction of an equitable and sustainable development model.

6. The Office also observed that some companies have failed to comply with their obligation to respect human rights, particularly in the context of the development and implementation of extractive projects, generating negative impacts on people and the environment[[3]](#footnote-4).

7. The absence of consensus in the National Congress prevented the adoption of laws and delayed the election of certain authorities, notably the Attorney General and Deputy Attorney General.

8. Violence and insecurity continue to impact the country. According to official sources, the homicide rate decreased approximately 17% with respect to the previous year, from 38.2 in 2022 to 31.14 per 100,000 inhabitants in 2023, mainly cased by firearm (74.8% of cases). Notwithstanding, 380 violent deaths of women were recorded, representing an increase of 24.2% with respect to 2022[[4]](#footnote-5).

9. The State of Emergency, initially introduced on December 6, 2022, was renewed eight times in 2023[[5]](#footnote-6) and extended to all 18 departments of the country. It suspends six rights[[6]](#footnote-7), including the rights to personal liberty, freedom of association, assembly and movement. It also grants security and defense forces the power to carry out arrests and searches without a warrant.

10. OHCHR registered a considerable increase in attacks against human rights defenders, mainly against those who defend land, territory and the environment, as well as journalists, without an effective State response considering the situation of risk they face[[7]](#footnote-8).

11. More than half a million of people on the move transited through Honduras, with 2023 being the year with the highest number of entries of migrants to date. This situation overwhelmed the response capacity of the State and humanitarian organizations.

III. Rule of law and accountability

1. Judicial Institutions

12. The National Congress elected the 15 new magistrates of the Supreme Court of Justice in February, including eight women, among them the President and a Garífuna magistrate, respecting the principle of gender equity and diversity[[8]](#footnote-9). The adoption of a Judiciary Council and Judicial Career Law, which would establish the separation of administrative and judicial functions, remains still pending.

13. In view of the absence of consensus in the National Congress to appoint the Attorney General and Deputy Attorney General during extraordinary sessions, the Permanent Commission[[9]](#footnote-10), composed mostly by congresspersons of the Government party, elected on 1 November on interim basis[[10]](#footnote-11) the Attorney General and Deputy Attorney General. Both were among the candidates proposed by the Proponent Board in the list of candidates presented to the National Congress.

1. Access to Justice and Effective Judicial Protection

14. High impunity rates caused by the lack of effective investigations, unjustified procedural delays, limited possibility for victims to participate in criminal proceedings, and the absence of adequate protection for victims, family members, and witnesses remain a challenge for the access to justice[[11]](#footnote-12).

15. In most cases of alleged human rights violations involving security and armed forces monitored by the Office, the investigation and prosecution have not resulted in the identification of those presumed responsible, nor in the establishment of chain of command responsibility[[12]](#footnote-13).

16. The prosecutors' strike that started in March and lasted 79 days resulted in the closure of many offices, reducing significantly the service provided to the public, the course of investigations and other functions of the Public Prosecutor's Office[[13]](#footnote-14).

17. OHCHR documented cases related to conflicts over land access and ownership in which investigations by the State Attorney’s Office were not carried out in accordance with due diligence standards. One such case was the death of Kevin Nazael Meza Ordoñez, a member of the association Empresa Asociativa Campesina de Isleta in Tocoa, allegedly committed by members of security forces. The Office observed serious delays and lack of thoroughness in securing the crime scene, the removal of the body and the autopsy. On the other hand, the State Attorney's Office presented an indictment against several members of the association, accused them of aggravated usurpation in the context of an eviction[[14]](#footnote-15).

18. In two judicial proceedings regarding the deaths of Keyla Martinez in 2021[[15]](#footnote-16) and of Marcos Pineda, a young Lenca member of the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH) in 2022, allegedly committed by members of the security forces, the sentencing courts decided to reduce the sentence or acquit one of the defendants. Both rulings lacked an analysis of the legality of the defendants' use of force in line with international human rights law.

19. The investigation of cases of human rights violations committed in the 1980s and during the 2009 coup d'état and the 2017 post-election crisis have not advanced and remain in impunity[[16]](#footnote-17). In August, the Committee of Relatives of the Detained-Disappeared in Honduras (COFADEH) submitted an initiative for a Law on Victims of Human Rights Violations Committed during the Implementation of the National Security Doctrine between 1980 and 1993, drafted with OHCHR technical assistance, in regard to the rights to truth, memory, justice, reparation, as well as guarantees of non-repetition.

1. Security and Human Rights

20. The State of Emergency adopted on 6 December 2022 to combat extortion and related crimes was extended eight times[[17]](#footnote-18) and expanded to cover the entire country. This measure grants powers to the National Police to carry out, in cooperation with the Military Police of Public Order (PMOP), arrests and raids without warrants which could generate risks of human rights violations and violations of due process[[18]](#footnote-19). The prolonged duration of the State of Emergency without justification of its necessity, proportionality and appropriateness[[19]](#footnote-20), and without adequate judicial controls, is concerning. On at least three occasions, executive decrees were implemented without congressional ratification.

21. OHCHR received information on alleged human rights violations reportedly committed in the context of the implementation of the State of Emergency, primarily by the Police Directorate against Maras, Gangs and Organized Crime (DIPAMPCO) and the Military Police of Public Order. These include seven cases that may constitute forced disappearances (six men, one transgender woman), five extrajudicial executions (five men), four cases of torture and other cruel, inhuman and degrading treatment (four men) and one case of sexual violence (one woman), as well as allegations of illegal detentions, excessive use of force, abuses during searches without warrants and the planting of evidence, particularly in the departments of Cortés, Yoro and Francisco Morazán.

22. OHCHR also received allegations of reprisals by security forces against those who file complaints, and of the lack of protection measures in the search process to establish the whereabouts of their relatives. One of the cases of forced disappearance in the context of the State of Emergency is that of a 20-year-old man, allegedly disappeared by the Police Directorate against Maras, Gangs and Organized Crime (DIPAMPCO) on 7 March in San Pedro Sula. His relatives filed a complaint with the State Attorney’s Office following which they were allegedly threatened. On 9 June the victim’s father was killed in his home. On 19 July, the victim’s brother was arrested by the National Police, accused of participating in a massacre that allegedly took place the same day he was at his father's wake.

23. According to official sources, the National Police made some 24,563 arrests (1,581 women, 322 minors aged 13 or older) and more than 16,988 raids within the framework of the State of Emergency[[20]](#footnote-21).

24. Likewise, the Military Police of Public Order made 1,333 arrests, 74 of them minors[[21]](#footnote-22). The lack of a single registry of detainees prevents control of the legality of detentions.

25. No significant steps were made during the reporting period towards the adoption of a comprehensive security policy with a human rights approach, an emphasis on prevention and investigation, and that tries to address the structural causes of violence and insecurity[[22]](#footnote-23).

1. Prison system and persons deprived of liberty

26. During 2023, frequent incidents of violence and insecurity, as well as structural problems in the penitentiary system persisted, including overcrowding, inadequate infrastructure, self-government and corruption. The prison policy prioritizes a punitive approach to the detriment of social reintegration. In this context, persons deprived of liberty face various obstacles to exercising their rights. OHCHR recorded at least 56 deaths of persons deprived of liberty.

27. The National Penitentiary System housed an average of 19,141 adult persons (17,982 men, 1,159 women) in the country's 25 penitentiary centers, despite only having the capacity to house 14,780 persons. There has been a 6% decrease in the overcrowding index compared to 2022, although the level remains high (28.09%). Some 45.44% of the prison population is in pretrial detention[[23]](#footnote-24) as a result of the excessive use of this measure and delays in judicial processes.

28. Between January and June, six clashes were documented in maximum security prisons involving the use of firearms and explosives that left four male prisoners dead, one missing and at least 42 wounded. Following these incidents, the Government established an Intervention Commission, composed of civilian authorities, to gradually reform and modernize the penitentiary system. An “Intervention Plan to Address Crime” [[24]](#footnote-25) was adopted, with important measures such as the classification of persons deprived of their liberty and vetting of penitentiary agents.

29. On 20 June, 46 women were murdered in the National Women's Penitentiary for Social Adaptation by another group of inmates using firearms, bladed weapons and arson. This event resulted in the ratification of the state of emergency in the national penitentiary system, through Executive Decree 28/2023, delegating powers to the Military Police of Public Order of the Armed Forces (PMOP) as the Intervening Commission in the National Penitentiary System for a period of one year.

30. The intervention of the Military Police of Public Order started with intense search operations for weapons and illicit objects in the four maximum security prisons and later in medium and minimum security prisons during June and July. OHCHR interviewed more than 500 persons deprived of their liberty during 25 visits to nine prisons and found that these operations were carried out with excessive use of force, including against persons who did not resist the intervention. Persons were allegedly exposed for long hours to the sun, beaten, resulting in several injuries and even allegedly causing the death of a detainee due to heart failure in the Danlí (El Paraíso) penitentiary center. In addition, the detainees did not have food and water for more than 24 hours, nor immediate access to adequate medical attention. Furthermore, some persons were reportedly threatened by the Military Police of Public Order.

31. For at least a month, the Military Police restricted the access of human rights organizations, such as the National Commissioner for Human Rights in Honduras (CONADEH) and the National Mechanism for the Prevention of Torture (MNP-CONAPREV), as well as of judicial personnel, to the prisons. The Office recorded two prison clashes since the start of the Military Police intervention.

32. The MNP-CONAPREV received 197 complaints, while the Judiciary reportedly received 235 complaints against the Military Police of Public Order related to the situation of persons deprived of liberty, alleging violation of their physical and psychological integrity and access to health. The MNP-CONAPREV and CONADEH referred 219 requests for forensic examinations to the Forensic Medicine Directorate of the State Attorney’s Office for possible acts of torture or ill-treatment since June, of which only 59 have been carried out due to access restrictions imposed in the prisons[[25]](#footnote-26).

1. Corruption and Human Rights

33. In October, the State Attorney’s Specialized Prosecutorial Unit against Corruption Networks (UFERCO) filed charges against former presidents Porfirio Lobo Sosa and Juan Orlando Hernández in the “Pandora II” case. The indictment, which includes six other former officials, was filed before the Supreme Court of Justice given that former president Hernández is still a member of the Central American Parliament[[26]](#footnote-27) and therefore has immunity.

34. The Office welcomes the repeal by the Congress of Decrees 116-2019 and 57-2020 and the partial reform of 93-2021, part of the so-called "Impunity Pact". However, the adoption of a Law of Effective Collaboration and further legal reforms are essential to strengthen State capacities in the effective fight against corruption, as well as to allocate sufficient resources to entities, such as UFERCO, tasked with the investigation and prosecution of corruption.

35. Four visits to Honduras took place by the UN expert group[[27]](#footnote-28) to provide technical assistance to the State towards the possible establishment of the International Commission Against Corruption and Impunity in Honduras. In December, the UN General Assembly requested the Secretary General to support the Government's initiative in the fight against corruption and impunity[[28]](#footnote-29).

IV. Development and economic, social and cultural rights

36. The GDP of Honduras grew by approximately 3.4% in 2023, exceeding the regional average[[29]](#footnote-30). The economy showed resilience in the face of internal and external shocks[[30]](#footnote-31) and public investment increased[[31]](#footnote-32), as did the investment in agricultural production.

37. In 2023, external debt service payments accounted for 21% of the total budget, representing the highest budget item in the country, higher than the 16% budgeted for the Ministry of Education and 11% for the Ministry of Health[[32]](#footnote-33). The high level of debt, equal to 47.1% of the GDP in 2023[[33]](#footnote-34), and the payment of foreign debt service is one of the factors that prevents the State from allocating a higher percentage of the allocated to policies to reduce inequality, as well as to achieve the full effectiveness and enjoyment of human rights[[34]](#footnote-35).

38. The Office reiterates that the Employment and Economic Development Zones (ZEDE) regulatory framework and its implementation could negatively impact: (i) the right to prior, free and informed consultation, given the existence of indigenous and Afro-Honduran peoples in the jurisdiction of the ZEDEs; (ii) the protection of the right to property against possible expropriation; (iii) access to health, education and social security, as their potential privatization would exclude those unable to pay their costs; (iv) the right to information of persons living in the affected communities, given the lack of transparency with which the negotiation and installation of the respective ZEDEs has been carried out[[35]](#footnote-36). The legal provisions that repeal the ZEDE regulatory framework adopted in 2022 have not yet taken full legal effect as the constitutional reform required for their ratification remains pending.

39. OHCHR recognizes the progress by the State to develop and implement public policies that promote equitable and sustainable development, in which human rights and environmental protection play a central role, as well as efforts to put forward amendments to the legal framework aiming at establishing a progressive taxation system and that promotes a fair distribution of resources.

1. Access to economic, social and cultural rights

40. In 2023, there was a shortage of medicines and surgical supplies in the health system and interruptions in services in public health centers and hospitals, primarily impacting persons of low-income.

41. Adverse weather events that took place in previous years continued to generate challenges to ensuring the availability of sufficient quantity and quality of food to meet the alimentary needs of the population. The drought in the Dry Corridor was aggravated by the effects of the El Niño phenomenon. Since April, the lowest levels of rainfall in Central America in the last 43 years have been recorded, resulting in the loss of harvests and a decrease in crops[[36]](#footnote-37), contributing to migration and displacement of affected communities[[37]](#footnote-38).

42. The amparo ruling of the San Pedro Sula Administrative Court of Appeals that mandates the effective guarantee of the rights to food and health of the Tolupán indigenous community of San Francisco de Locomapa is yet to be implemented by the municipal authorities[[38]](#footnote-39).

43. The Office received information and followed up on the situation of 240 women workers in the maquila sector who allege that they suffer illnesses caused by their working conditions, several of whom have had their employment terminated.

1. Access to land, natural resources and environment

44. The Government initiated the reform of the environmental licensing system with a human rights approach, with technical assistance provided by the Office. OHCHR welcomes the Government's commitment to prioritizing the protection of the environment and natural resources.

45. During his visit to the country, the Special Rapporteur on the promotion and protection of human rights in the context of climate change affirmed that Honduras is one of the countries most vulnerable to, and affected by, climate change, being mainly susceptible to floods, hurricanes and droughts that negatively impact human rights and the economic and social development[[39]](#footnote-40).

46. OHCHR notes that social, environmental and agrarian conflicts related to land and territory continued to have a negative impact on human rights. Such conflicts stem from historical problems, such as the inequitable distribution of land and resources, insecurity of land tenure, lack of institutional capacity to determine property rights and resolve overlapping private and ancestral titles, lack of consultation and free, prior and informed consent of Indigenous Peoples and Afro-Hondurans, as well as irregularities in the approval and granting of business projects, particularly extractive projects.

47. The Office observed, including through its monitoring of several emblematic cases such as the cases of Guapinol, Azacualpa, Jilamito, Pajuiles and Locomapa, that some business activities, mainly those linked to extractive projects, had a negative impact on the enjoyment of human rights and the right to a clean, healthy and sustainable environment, in some cases constituting possible human rights abuses by the private companies. The Office also observed that the State faces challenges in the regulation and control in relation to these business activities.

48. On 5 December, within the framework of a constitutional protection process regarding the right to water and health, the Supreme Court of Justice ordered the halt of the construction of a hydroelectric project on the Mezapa River in the community of Pajuiles, until the environmental mitigation measures ordered by the Ministry of Natural Resources and Environment (SERNA) are complied with[[40]](#footnote-41).

49. OHCHR documented, with concern, the persistent and elevated social conflict and the negative impact on human rights and the environment of a mining project inside the Carlos Escaleras Mejía Montaña de Botaderos National Park, including negative impact on the use of water[[41]](#footnote-42). In addition, members of communities that peacefully oppose the extractive project face security risks and risks of criminalization.

50. According to monitoring by the Office, high levels of social conflict persist in the Tolupán indigenous community in San Francisco de Locomapa due to threats and intimidation against its members made by persons from outside the community[[42]](#footnote-43). This is despite the fact that the State Attorney’s Office filed criminal charges against the manager of a private company for the illegal exploitation of natural resources that has a negative impact on the indigenous community[[43]](#footnote-44).

51. The Constitutional Chamber of the Supreme Court of Justice issued an amparo judgment in the criminal proceeding against members of the Lenca indigenous community of Tierras del Padre, recognizing their right to collective property and establishing that their rights to defense and due process had been violated. The Chamber ordered that the property dispute be resolved through civil proceedings[[44]](#footnote-45).

52. In 2023, the Office documented the execution of at least 37 evictions, mostly to them against peasant associations and agricultural cooperatives, with the departments with the highest number of cases being Colón (8), Atlántida (8) and Yoro (6). In some cases, the use of violence was also documented, including three members of such cooperatives being injured by firearms, including in one of the cases at the hands of the National Police. In addition, criminal proceedings have been initiated against the evicted persons. Many of these evictions were ordered under the figure of "preventive eviction" foreseen in Decree 93-2021. The issuance of eviction orders which do not comply with international human rights obligations and standards[[45]](#footnote-46) against peasant communities, Indigenous Peoples and Afro-Hondurans[[46]](#footnote-47) is of concern.

53. In a case documented by OHCHR, the eviction was carried out by the National Police, without a court order, against 52 persons of the Lenca Indigenous Council of Río Bonito from a piece of land that the community used for agriculture and which it had inhabited for more than 40 years. Several members of the community were charged with the crime of usurpation. On the other hand, violent acts during the implementation of two evictions against the Empresa Asociativa Campesina de Isletas (EACI) in Bajo Aguán resulted in one person being injured and the death of another injured person. Nine people, members of the peasant association, were charged with the crime of usurpation. In November, 41 families belonging to Empresa Campesina Agua Blanca Sur in Progreso, Yoro, were evicted during adverse weather conditions and without a relocation plan, resulting in the destruction of their homes and livelihoods, leaving many of them without a place to live.

54. In June, the Commission for Agrarian Security and Access to Land was established to respond to land-related conflicts[[47]](#footnote-48). It is of concern that this Commission was established within the framework of the National Defense and Security Council, with a focus on security, and with powers to urgently execute any existing judicial eviction orders, and to apply the crimes of flagrante permanent usurpation and of forced displacement[[48]](#footnote-49).

55. The Inter-Institutional Roundtable for Addressing Social Conflicts developed a Protocol for the Prevention of Conflicts Related to Land, Territory and the Environment, with technical assistance from OHCHR. The Roundtable has facilitated a coordinated institutional response in the cases of Tierras del Padre, Crucitas del Picacho and others in the department of La Paz.

56. The Office welcomes efforts made to advance with the installation of the Tripartite Commission foreseen in the Agreements signed on 22 February 2022 between the Government and the peasant groups of Bajo Aguán. The operationalization of the Commission has been delayed due to the lack of sufficient resources.

V. Civic space and citizen participation

57. Structural challenges and institutional practices persist that result in undue restriction of the civic space, affecting the defense of human rights defense, the freedom of expression, access to information and participation in public affairs.

58. The Office received numerous reports from civil society organizations and the media stating they have been unable to access information of public interest given that their requests were not answered in an adequate or timely manner by the competent authority, or were rejected without sufficient justification indicating that the information requested was "reserved" or "confidential".

59. The Office noted that attacks[[49]](#footnote-50) against human rights defenders, journalists and their organizations, including murders, increased significantly compared to the two previous years. Given the situation of increased risks faced by human rights defenders, the lack of an effective response by the National Protection System is of concern, especially the lack of timely and effective implementation of adequate protection measures.

60. OHCHR registered at least 363 attacks against 453 victims, including both individuals and organizations, of which 308 are engaged in the defense of human rights and 145 were dedicated to journalism. The Office contacted 395 of them (87.2%) to identify their specific protection needs and joint actions within the framework of its mandate.

61. Of these, 54.1% were dedicated to the defense of land, territory and the environment, 15.5% to journalism, 13.5% to LGBTI rights, and the rest to other types of human rights defense. Of the total, 200 victims (44.2%) are men, 127 (30.2%) women, including 10 transgender women. About 31.5% of the human rights defenders and organizations that suffered attacks were indigenous and Afro-Honduran.

62. OHCHR documented at least 15 murders of human rights defenders and two journalists, of which 15 were men and 2 women. Of these victims, 13 were dedicated to the defense of land, territory and the environment, two to the rights of LGBTI persons and two to journalism, among them, two were transgender women. In addition, OHCHR registered the disappearance of a trans woman LGBTI defender. In 2023, the Office registered the second highest number of murders of defenders since its installation in the country in 2015, only surpassed by 2019. Most of these cases continue in impunity, generating in a significant obstacle for the defense of human rights.

63. Among the most frequent attacks registered by OHCHR are 81 cases of threats and 70 acts of intimidation or harassment against human rights defenders and journalists. The departments that stand out with particular prevalence were Francisco Morazán (129 cases), Colón (58 cases) and Cortés (50 cases).

64. Of the 245 defenders of land and territory who were victims of attacks, 108 were indigenous and/or Afro-Honduran. The 66.5% of these cases are concentrated in the departments of Colón, Francisco Morazán and Yoro. In 2023, OHCHR registered 99 indigenous or Afro-Honduran women defenders who were victims of attacks, of which 97% were defenders of land, territory or the environment.

65. The Office registered 145 attacks against those who exercise freedom of expression, representing a considerable increase and surpassing even the 2021 electoral year (93 cases). The Office notes that 24.8% of the attacks against journalists were directed against those who provide coverage of the defense of the rights of LGBTI persons.

66. According to OHCHR records, of the total number of defenders who suffered an attack in 2023, at least 63 (20.4%) victims were attacked in the context of social conflict in the area near the Carlos Escaleras Mejía National Park were economic projects are implemented and in the context of the agrarian conflict in Bajo Aguán. It is of great concern that at least 7 of the 15 murders of human rights defenders registered during the year have occurred in this area.

67. The State advanced the process of legislative harmonization, with OHCHR technical assistance, revising existing criminal offenses so that they strictly observe the principle of legality and the requirement of legal predictability, in accordance with international human rights law, in order to prevent the arbitrary interpretation and use of criminal law against defenders and journalists. It is of concern that criminal provisions against honor or other provisions that could be used for the undue restriction of the freedom of expression or encourage self-censorship remain in force.

68. OHCHR reiterates its concern regarding the undue use of the criminal justice system against human rights defenders and journalists in the context of the legitimate exercise of the defense of human rights through criminal charges, especially against those who defend land, territory, and the environment, oppose extractive projects, or provide coverage of these processes[[50]](#footnote-51).

69. The cases that stand out are those against the defenders of the Association for the Development of the Zacate Grande Peninsula, Santos Hernández and Abel Pérez, the latter also a journalist of the community radio station "La Voz de Zacate Grande", as well as against the Nolvia Obando, defender of the land and member of the peasant women's movement "Las Galileas", accused of the crime of usurpation and deprived of their freedom for 211 and 149 days, respectively, stand out.

70. OHCHR registered detentions by security forces of defenders who had previously been acquitted or had the charges against them dismissed that were generated as result of the registration and control systems of the National Police not being updated in line with judicial rulings.

71. In September, the Tela Sentencing Court acquitted the defenders of the Jilamito community in the criminal proceedings against them initiated in 2017 for opposing a hydroelectric project that affected the community's access to water.

72. The National Protection System for human rights defenders, journalists, social communicators and justice operators (SNP) continued to face serious challenges in fulfilling its mandate, stemming from the lack of sufficient budget allocation, the lack of implementation of protection measures, the lack of sufficient and suitable personnel, the lack of technical tools for the fulfillment of its functions and the lack of shared responsibility of the different State entities in the protection of human rights defenders[[51]](#footnote-52).

73. The total number of cases under the protection of the SNP at the end of the year was 202, of which 35 were referred by the Inter-American System for the Protection of Human Rights. Of these, 153 were cases of human rights defenders, 16 of communicators, 15 of journalists and 18 of justice operators. In 2023, the National System received 68 protection requests, of which 62 were admitted[[52]](#footnote-53).

74. The National Protection Council, which is the joint space for dialogue and decision making between the State and civil society within the SNP, met eight times in 2023. The General Directorate of the Protection System, the executive body of SNP protection measures, also faces significant challenges. Among such challenges is the lack of sufficient staff, a situation that worsened in 2023, having the lowest number of technical staff since 2016[[53]](#footnote-54).

75. The Office recognizes the efforts made by the institutions that comprise the Technical Committee of the Protection Mechanism (CTMP), an inter-institutional body in charge of determining protection plans, to address the existing backlog and agree on protection plans. However, the measures granted are not timely or properly implemented. For example, despite being a beneficiary of protection measures, Miriam Miranda, Garifuna defender and General Coordinator of the Black Honduran Fraternal Organization (OFRANEH), was a victim of an attack in her home in September[[54]](#footnote-55), which the assigned security team detected at the last minute, indicating the persistence of a serious risk to her security and, therefore, the need for her reinforced protection. The session of the Technical Committee to review her protection measures took place one month after the attack, with the presence of three of the four institutions that comprise it.

VI. Equality and non-discrimination

1. Women's rights

76. Violence against women increased in 2023, with 380 violent deaths of women registered, including the 46 female prisoners killed in June[[55]](#footnote-56), representing an increase of approximately 24.2% compared to 2022[[56]](#footnote-57). Different observatories of violence against women confirm the same trend[[57]](#footnote-58). The 911 system registered 78,214 reports of violence against women as of November 2023.

77. To ensure a holistic response to gender-based violence, it is necessary to advance in the adoption of comprehensive public policies and adequate legal norms that guarantee the prevention and protection of women. The Special Integral Law on Violence against Women, submitted to the Executive Branch in 2022, has not yet been submitted to Congress. On the other hand, Congress has not yet approved the Law on Shelters for Victims of Gender-Based Violence. OHCHR welcomes the actions agreed within the framework of the Inter‑Institutional Commission on the Investigation of Violent Deaths of Women and Femicides and calls for their implementation.

78. In the judicial process in the case of Keyla Martínez, perpetrated by a police officer, the Constitutional Chamber of the Supreme Court denied an amparo request filed by the State Attorney's Office against the change of the qualification of the crime from femicide to negligent homicide, which carries a lower sentence, without incorporating the gender perspective in its analysis and consideration of the case.

79. Information in possession of OHCHR appears to indicate that the cases of criminalization of women for abortion and parricide mainly affect young women and, in some cases, indigenous women. OHCHR followed up on two cases against accused young women, identifying bias and lack of thoroughness in the investigation by the State Attorney’s Office, including the Forensic Medicine Directorate.

80. With regards to women's sexual and reproductive rights, OHCHR welcomes the signing of Executive Agreement number 75-2023, which guarantees and promotes the free marketing, access, sale, purchase and use of the Emergency Contraceptive Pill (ECP) in Honduras. However, access to the pill has not been guaranteed in public hospitals, including for women victims of sexual violence.

81. In March, the Supreme Court of Justice dismissed the appeals of unconstitutionality in relation to the absolute prohibition of abortion. The Office regrets the Government's decision to veto the Law for the Prevention of Adolescent Pregnancy, which promotes access to sexual health information in educational centers[[58]](#footnote-59).

1. Rights of Lesbian, Gay, Bisexual, Transgender, Transsexual and Intersex Persons

82. Different factors, such as gender stereotypes and an inadequate regulatory framework that fully guarantees the rights of LGBTI persons, contribute to violence and discrimination against them.

83. As indicated by the Observatory of the Cattrachas Lesbian Network to OHCHR, in 2023, 47 cases of violent deaths of LGBTI persons (12 lesbian women, 17 gay men and 18 trans persons) and one disappearance were reported, of which only eight are under criminal investigation.

84. There are multiple barriers that prevent their effective access to justice, in particular the lack of capacity and of technical and practical tools for effective criminal investigation of violence against LGBTI persons[[59]](#footnote-60). More than two years after the sentence of the Inter‑American Court of Human Rights in the Vicky Hernandez case, the adoption of a procedure for the recognition of gender identity and of a protocol for the investigation and administration of justice in cases of violence against LGBTI persons remains pending[[60]](#footnote-61).

85. The Organic Law of the National Registry of Persons and its regulations do not allow the legal recognition of the gender identity of trans persons, including in the National Registry of Persons[[61]](#footnote-62).

86. In March, the Constitutional Chamber of the Supreme Court of Justice dismissed a motion to reconsider the denial of a 2022 appeal of unconstitutionality regarding the prohibition of marriage between two persons of the same sex citing "dismissal by repetition". This is the third such unconstitutionality appeal dismissed in the last two years.

1. Rights of Indigenous and Afro-Honduran Peoples

87. The longstanding structural barriers faced by Indigenous and Afro-Honduran Peoples persist, resulting, inter alia, in inequality and discrimination, historical exclusion, and violations of their rights[[62]](#footnote-63).

88. The lack of recognition of the traditional property and possession rights of Indigenous and Afro-Honduran Peoples over their ancestral lands and territories, as well as the inadequate regulation of business activities, has a serious impact on the exercise and enjoyment of their human rights, including the loss of their culture, ancestral knowledge and livelihoods. The Office considers it essential that the authorities, within the framework of their competencies, adopt measures to guarantee these rights, including to address the possible impact of tourism and extractive business activities on their lands, territories and natural resources.

89. The implementation of reparations ordered by the Inter-American Court of Human Rights in 2015 in the cases of the Garifuna communities of Punta Piedra and Triunfo de la Cruz, oriented towards ensuring their effective enjoyment of the right to communal property and ownership of their ancestral territories, remains pending[[63]](#footnote-64).

90. In March, the State held a public act of apology in Puerto Lempira, recognizing its international responsibility and the wrongs committed against the victims identified in the judgment issued by the Inter-American Court of Human Rights in the case of the Miskito Divers (Lemoth Morris vs. Honduras, 2021). The implementation of other measures ordered by the Court in its sentence is pending.

1. People on the move

91. In 2023, the National Migration Institute recorded the highest number of irregular entries compared to previous years, with a total of 512,351[[64]](#footnote-65) persons in mixed migratory movements, comprising 115 nationalities.

92. The number of Honduran returnees decreased significantly, when compared to 2022, to 52,812, with the majority returning from the United States of America (36,119) and Mexico (15,065) [[65]](#footnote-66). According to U.S. Customs and Border Protection, between January and October 2023, there were 194,986 detentions of Honduran nationals at the southern border of the United States of America[[66]](#footnote-67), including a high number of families and unaccompanied minors.

93. The Office observed that the State faced challenges in meeting the humanitarian needs of the transit migrant population, particularly in terms of access to basic services such as water, food, temporary housing and health services. Migrants have been forced to spend the night in precarious and overcrowded conditions in public spaces due to the lack of temporary accommodation, they face additional transportation costs and are exposed more often to cases of extortion and violence[[67]](#footnote-68).

94. The Office welcomes the extensions of the Migration Amnesty Decree[[68]](#footnote-69), which exempts those who enter the country irregularly from paying administrative fines. OHCHR also welcomes the entry into force of the Law for the Prevention, Attention and Protection of Internally Displaced Persons[[69]](#footnote-70), as well as the establishment of its main body, the Inter‑Institutional Commission for the Protection of Forcibly Displaced Persons[[70]](#footnote-71).

 VII. Recommendations

**95. The Office reiterates the recommendations contained in its previous reports****[[71]](#footnote-72) and urges the authorities to implement them. OHCHR reaffirms its commitment to continue supporting the State of Honduras in respecting and guaranteeing human rights and recommends:**

**a) Develop and implement public policies, with human rights and environmental protection at their centre, to promote equitable and sustainable development that significantly reduces poverty and inequality.**

**b) Strengthen the National Protection System for human rights defenders, journalists, social communicators and justice operators, in order to ensure its effective functioning and the shared responsibility of the institutions that comprise it.**

**c) Adopt the policies and legal reforms necessary to guarantee the human rights of women, including sexual and reproductive rights, as well as the right to a life free of violence.**

**d) Promote civic space and citizen participation in public affairs, ensuring freedom of expression and access to information.**

**e) Adopt the Judiciary Council and Judicial Career Law that separates judicial functions from administrative ones.**

**f) Guarantee access to justice for victims of human rights violations, with a gender perspective and an intersectional approach in judicial proceedings and rulings.**

**g) Implement a citizen security policy with a human rights approach that strengthens prevention and investigation and addresses the structural causes of violence and insecurity. Declarations of state of emergency and suspension of rights should be exceptional and in strict compliance with international human rights law.**

**h) Adopt all necessary measures to ensure that the use of force by the National Police and Military Police of Public Order, within the framework of their functions, is carried out in strict compliance with international human rights standards, as well as to ensure accountability, including before the judicial authorities.**

**i) Ensure that the election of the permanent Attorney General and Deputy Attorney General is based on criteria of objectivity, capacity, suitability and integrity.**

**j) Strengthen the capacity of the State Attorney’s Office and ensure due diligence in investigations of human rights violations, with special attention to cases of violence against women, LGBTI persons and human rights defenders.**

**k) Adopt effective measures to reduce land-related conflicts through a strengthened legal and institutional framework that allows for land titling, recognition of the ancestral rights of Indigenous Peoples and Afro-Hondurans, as well as access to land for peasant and other historically excluded groups.**

**l) Operationalize and ensure the functioning of the Tripartite Commission for the agrarian conflict in Bajo Aguán to address structural challenges and ensure the guarantee of reparation and non-repetition measures.**

**m) Ensure the functioning of the High Level Intersectorial Commission for Compliance with the Obligations Issued by International Human Rights Protection Systems in cases that imply the violations of rights of the Garífuna communities.**

**n) Reform the environmental regulatory framework, including environmental licensing processes, as well as adopt measures to mitigate and adapt to climate change.**

**o) Adopt control and accountability measures necessary to ensure respect for human rights by national and transnational corporations in accordance with the Guiding Principles on Business and Human Rights.**

**p) Repeal Decree 93-2021 to strengthen civic space and prevent undue evictions.**

**q) Adopt effective measures to prevent the misuse of criminal law against human rights defenders and journalists.**

**r) Adopt the necessary measures to guarantee and make effective the right to truth, memory, reparation and guarantees of non-repetition in cases of serious human rights violations that occurred in the 80s and 90s, including through the approval of the Law on Victims of the National Security Doctrine.**

**s) Strengthen the institutional capacity of the Sate Attorney’s Office, and in particular of the Technical Agency of Criminal Investigation, to ensure effective and diligent investigation and search for the victims of forced disappearance of the present and the past.**

**t) Transfer the control and management of the penitentiary system from the Military Police of Public Order to civil authorities and elaborate and implement public policies that prioritize the rehabilitation and social reinsertion of persons deprived of liberty. In addition, adopt the necessary measures to ensure that the use of pretrial detention is an exceptional measure.**

**u) Develop legal and institutional measures to guarantee the right to consultation and free, prior and informed consent of Indigenous and Afro-Honduran Peoples in the implementation of projects that affect them.**

**v) Adopt the necessary measures to eradicate all forms of discrimination, with special attention to discrimination based on sexual orientation and gender, including the repeal or modification of legal provisions, such as the Law of the National Registry of Persons and its bylaws, to ensure they are compatible with international human rights law and standards.**

**w) Increase the material and human resources of CONADEH and the NPM‑ CONAPREV to strengthen their work towards the protection of human rights.**

**x) Ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labor Organization and adopt a legal framework to regulate domestic work.**

**y) Accede to the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).**

1. https://ine.gob.hn/v4/2023/12/05/el-instituto-nacional-de-estadistica-ine-socializa-logros-significativos-en-la-reduccion-de-la-pobreza-en-honduras/ [↑](#footnote-ref-2)
2. <https://ine.gob.hn/v4/ephpm/>, Image 6 [↑](#footnote-ref-3)
3. See pars. 47, 48; A/HRC/52/24 pars. 15, 26, 28, 29 [↑](#footnote-ref-4)
4. <https://www.sepol.hn/sepol-estadisticas-honduras.php?id=158>, Infografía 2023. [↑](#footnote-ref-5)
5. PCM 46-2023, December 2023 [↑](#footnote-ref-6)
6. A/HRC/52/24, par. 10. [↑](#footnote-ref-7)
7. See pars. 62-69 [↑](#footnote-ref-8)
8. A/HRC/52/24, par. 32. [↑](#footnote-ref-9)
9. This body is installed during the recesses of the National Congress between 31 October and 25 January each year.. [↑](#footnote-ref-10)
10. Resolution No. 001-2023-CP/CN. [↑](#footnote-ref-11)
11. A/HRC/54/22/Add.2 pars. 36, 38 [↑](#footnote-ref-12)
12. A/HRC/54/22/Add.2 par. 48. [↑](#footnote-ref-13)
13. <https://conadeh.hn/wp-content/uploads/2024/02/Alerta-Temprana-No.-001-2023-MP-1.pdf> [↑](#footnote-ref-14)
14. Court of First Instance with National Jurisdiction, file number 51-2023 [↑](#footnote-ref-15)
15. A/HRC/49/21, par. 26 [↑](#footnote-ref-16)
16. A/HRC/52/24, par. 37 [↑](#footnote-ref-17)
17. PCM 46-2023, December 2023 [↑](#footnote-ref-18)
18. CCPR/C/21/Rev.1/Add. 11, 2011, pars. 11 al 16 [↑](#footnote-ref-19)
19. <https://oacnudh.hn/6-de-diciembre-de-2023-a-un-ano-del-estado-de-excepcion-en-honduras-oacnudh-llama-al->

estado-a-reconsiderar-el-uso-de-medidas-excepcionales-y-a-abordar-la-inseguridad-de-manera-integral-y-con-enfasi/ [↑](#footnote-ref-20)
20. Letter SEDS-No.3113-2023, 04 December 2023. [↑](#footnote-ref-21)
21. D.S.E. Letter No. 2755-12-2023. [↑](#footnote-ref-22)
22. A/HRC/52/24, par. 10. [↑](#footnote-ref-23)
23. National Penitentiary Institute, Letter DN-INP-381-2023, 15 December 2023. [↑](#footnote-ref-24)
24. <https://spe.gob.hn/posts/58> [↑](#footnote-ref-25)
25. Information received from CONADEH and CONAPREV, December 2023. [↑](#footnote-ref-26)
26. <https://www.mp.hn/publicaciones/pandora-ii-uferco-acusa-a-expresidentes-juan-orlando-hernandez-y->

[porfirio- lobo-sosa/](https://www.mp.hn/publicaciones/pandora-ii-uferco-acusa-a-expresidentes-juan-orlando-hernandez-y-) [↑](#footnote-ref-27)
27. https://www.un.org/sg/en/content/sg/note-correspondents/2023-07-07/note-correspondents-%E2%80%93

-the-deployment-of-group-of-experts-honduras-scroll-down-for-spanish-version [↑](#footnote-ref-28)
28. A/78/L.33 [↑](#footnote-ref-29)
29. https://repositorio.cepal.org [↑](#footnote-ref-30)
30. <https://www.imf.org/es/News/Articles/2023/09/21/pr23321-honduras-imf-executive-board-approve->

under-eff-and-ecf-for-honduras [↑](#footnote-ref-31)
31. Ministry of Finance, General Report on Public Investment, Third Quarter 2023 [↑](#footnote-ref-32)
32. Legislative Decree 157-2022 [↑](#footnote-ref-33)
33. Ministry of Finance, Public Debt of the Central Administration Honduras, Third Quarter 2023 [↑](#footnote-ref-34)
34. A/HRC/26/28, par. 25 [↑](#footnote-ref-35)
35. A/HRC/49/21, par. 60 [↑](#footnote-ref-36)
36. <https://www.unocha.org/publications/report/world/efectos-y-consecuencias-humanitarias-del->

[fenomeno-de-el-nino-en-america-latina-y-el-caribe-20232024](https://www.unocha.org/publications/report/world/efectos-y-consecuencias-humanitarias-del-) [↑](#footnote-ref-37)
37. <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/statements/eom-statement-honduras->

sr-climate-2023-09-27-sp.pdf [↑](#footnote-ref-38)
38. A/HRC/52/24, par. 15. [↑](#footnote-ref-39)
39. <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/statements/eom-statement-honduras->

sr-climate-2023-09-27-sp.pdf [↑](#footnote-ref-40)
40. SCO-0816-2018, 5 December 2023. [↑](#footnote-ref-41)
41. A/HRC/52/24, par. 27. [↑](#footnote-ref-42)
42. https://www.oas.org/es/cidh/decisiones/mc/2023/res\_83-23\_mc\_416-13\_hn\_es.pdf [↑](#footnote-ref-43)
43. <https://www.mp.hn/publicaciones/fiscalia-de-las-etnias-presenta-requerimiento-fiscal-contra-un-extranjero-por->

supuesto-delito-en-perjuicio-de-los-tolupanes/ [↑](#footnote-ref-44)
44. Supreme Court of Justice; AP-136, 406, 407, 408 y 277-2019, 9 June 2023 [↑](#footnote-ref-45)
45. E/1992/23, E/1998/22, anexo IV. [↑](#footnote-ref-46)
46. See, *inter alia*: Court of First Instance with National Jurisdiction, 16 October 2023, File 51-2023.

Court of First Instance Yoro, 1 November 2023. File 257-2023 [↑](#footnote-ref-47)
47. <https://gobiernosolidario.sgjd.gob.hn/6336/presidenta-xiomara-castro-anuncia-la-creacion-de-una-comision->

seguridad-agraria-en-honduras/ [↑](#footnote-ref-48)
48. Agreement No. CNDS-002/2023 [↑](#footnote-ref-49)
49. The monitoring of the Office includes under the category of "attacks" events such as threats, attempted homicide, theft of information, inviolability of communications, damage to property, discrediting, deprivation of liberty, online attacks, among others. [↑](#footnote-ref-50)
50. A/HRC/52/24, pars. 68, 69. [↑](#footnote-ref-51)
51. https://oacnudh.hn/wp-content/uploads/2022/07/Diagnostico\_WEB\_220707.pdf [↑](#footnote-ref-52)
52. Letter SEDH-DGSP-236-2023, 3 November de 2023 [↑](#footnote-ref-53)
53. Ibid [↑](#footnote-ref-54)
54. 54 https://oacnudh.hn/20-de-septiembre-de-2023-oacnudh-expresa-preocupacion-por-la-falta-de-revision-del-plan-de- [↑](#footnote-ref-55)
55. proteccion-de-la-defensora-miriam-miranda See par. 30. [↑](#footnote-ref-56)
56. https://www.sepol.hn/sepol-estadisticas-honduras.php?id=158, Infographic 2023 [↑](#footnote-ref-57)
57. https://iudpas.unah.edu.hn/dmsdocument/15970-infografia-muerte-violenta-de-mujeres-datos-preliminares-enero-

a-diciembre-2023-ed16. [↑](#footnote-ref-58)
58. <https://honduras.un.org/es/234541-comunicado-sobre-la-ley-de-educaci%C3%B3n-integral-de->

prevenci%C3%B3n-al-embarazo-adolescente [↑](#footnote-ref-59)
59. IACHR Court, Sentence Vicky Hernández vs Honduras, 2021, par.152 [↑](#footnote-ref-60)
60. Ibid, operative paragraph 15 and 16 [↑](#footnote-ref-61)
61. A/HRC/52/24, par. 85 [↑](#footnote-ref-62)
62. Ibid, par. 87 [↑](#footnote-ref-63)
63. IACHR Court, operative paragraph 9, and operative paragraphs 6 and 7, respectively. [↑](#footnote-ref-64)
64. https://inm.gob.hn/migracion-irregular.html [↑](#footnote-ref-65)
65. https://inm.gob.hn/estadisticas.html [↑](#footnote-ref-66)
66. https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters [↑](#footnote-ref-67)
67. Protection Cluster, Situation Report No. 4, November 2023 [↑](#footnote-ref-68)
68. Decree No. 39-2023 [↑](#footnote-ref-69)
69. https://www.tsc.gob.hn/web/leyes/Decreto-154-2022.pdf [↑](#footnote-ref-70)
70. https://twitter.com/sedhHonduras/status/1680026867124916225 [↑](#footnote-ref-71)
71. A/HRC/52/24, A/HRC/49/21, A/HRC/46/75, A/HRC/43/3/Add.2, A /HRC/40/3/Add.2, A/HRC/34/3/Add.2 [↑](#footnote-ref-72)