



**Honduras's Compliance with the Convention on Economic, Social and Cultural Rights
(CESCR)**

Suggested List of Issues Prior to Reporting

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is also the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States and numerous survivors of human rights abuses in Honduras have requested legal assistance from The Advocates. First-hand information from asylum-seekers about the human rights violations that they experienced in Honduras since the last review of Honduras has been used with their permission in this submission.

I. EXECUTIVE SUMMARY

1. The government of Honduras fails to fulfill its obligation to respect, guarantee and protect rights such as the rights to health, employment, and self-determination of indigenous peoples.
2. Marginalized groups such as cisgender and transgender women face barriers to obtaining substantive equality and favorable working conditions.

II. Cooperation with Civil Society and Protection of Human Rights Defenders (para. 7 to 10).

3. In its 2016 Concluding Observations, the Committee on Economic, Social, and Cultural Rights (“Committee”) recommended greater collaboration between the State Party and civil society, ensuring civil society participation in public affairs.¹ The Committee expressed concern and alarm about the lack of effective protection for human rights defenders and the lack of resource allocation. The Committee also noted alarming risks to human rights defenders such as defamation, threats, and murders.²
4. The State Party reports cooperation with civil society within the Public Policy and National Action Plan on Human Rights. Honduras asserts the participation of civil society in various inter-institutional forums as an example of best practices.³ Honduras reported that the Office of the Special Prosecutor for Human Rights has built up its capacity to investigate attacks on LGBTQ+ human rights defenders, has established a unit to investigate offenses under the Agrarian Reform Act committed against *campesinos*, and organized *campesino* groups.⁴ Honduras did not provide information about the nature of the participation spaces and inter-institutional forums nor how states institutions provide accountability and transparency spaces for civil society.
5. Honduras also notes that the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials has registered 41 cases of violence against human rights defenders, “of which 8 are under investigation; administrative closure notifications have been issued for the other 33 cases.”⁵ The State party does not to provide information on the reasoning behind the administrative closure notifications. Likewise, the State Party report lacks data about the number of prosecutions and sanctions of individual perpetrators, and remedies in cases of violence against human rights defenders – especially defenders of economic, social, and cultural rights – and environmental defenders.
6. Honduras is narrowing civic space through new legislation and state violence. For instance, the National Congress reformed The Honduran penal code in October 2021, criminalizing legitimate protests.⁶ The Government convicted six human rights defenders of illegal deprivation of liberty

¹ Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of Honduras*, (11 July 2016), U.N. Doc. E/C.12/HND/CO/2 ¶8.

² Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of Honduras*, (11 July 2016), U.N. Doc. E/C.12/HND/CO/2 ¶9.

³ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Honduras under articles 16 and 17 of the Covenant, due in 2021*, (8 December 2021), U.N.Doc. E/C.12/HND/3 ¶ 17.

⁴ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Honduras under articles 16 and 17 of the Covenant, due in 2021*, (8 December 2021), U.N.Doc. E/C.12/HND/3 ¶ 19.

⁵ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Honduras under articles 16 and 17 of the Covenant, due in 2021*, (8 December 2021), U.N.Doc. E/C.12/HND/3 ¶ 21.

⁶ Press Release, IACHR, *CIDH expresa preocupación ante la entrada en vigor de las reformas legislativas que tendrían un impacto regresivo en el ejercicio del derecho a la protesta en Honduras* (November 16 2021). Available at: <https://www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/304.asp>

and aggravated damages against the contractor Inversiones Los Pinares for their opposition an open-cast iron-oxide mine that threatened the Guapinol community's water sources.⁷

7. Honduras fails to protect human rights defenders. The *Comisionada Nacional de Derechos Humanos* reported the murder of 200 attorneys since 2004.⁸ Ninety percent of these cases remain in impunity with no charges filed nor sanctioned.⁹ According to the Director of the *Asociación por la Democracia y los Derechos Humanos de Honduras* (ASOPODEHU), legal professionals “working on issues such as the environment, land rights, human rights and the defence of excluded groups were more likely to face threats.”¹⁰ Honduras is the country with the second highest number of killings of land and environmental human rights defenders .¹¹

III. Rights of indigenous peoples (para. 11)

8. In its 2016 Concluding Observations, the Committee expressed concern about the failure of the State party to guarantee and protect the right to free, prior, and informed consent regarding issues that could impact indigenous communities, land, and natural wealth and resources.¹² The Committee recommended a broad-based process of consultation to involve communities in legislation affecting their economic, social, and cultural rights.¹³
9. Honduras reported the preparation of the draft framework law on prior and informed consultation in accordance with international standards and the preliminary deliberation on the bill since 2018. The Government consulted with ten¹⁴ Indigenous and Afro-Honduran peoples on the proposed legislation.¹⁵ Honduras did not provide information, however, about the current stage of the bill nor whether the bill has had the necessary public debates to be approved by the National Congress.¹⁶
10. Honduras failed to respect the rights of indigenous peoples to self-determination when it created Employment and Economic Development Zones on indigenous peoples' and Afro-descendant communities' land.¹⁷ In these zones, the Government of Honduras grants concessions for the

⁷ Press Release, *Honduras: Release Guapinol defenders and honour pledges made to UN – human rights experts* (November 19 2021), available at: *Honduras: Release Guapinol defenders and honour pledges made to UN – human rights experts*; The Guardian, “UN rapporteur ‘appalled’ by convictions for Honduran environmentalists who opposed open-pit mine” by Nina Lakhani, Feb. 9, 2022, <https://www.theguardian.com/world/2022/feb/09/honduras-environmentalists-guilty-crimes-mining-company>.

⁸ Press Release, CONADEH, *Crímenes cometidos contra unos 200 abogados, impunes en más del 90% de los casos*, (30 May2022). Available at: <https://www.conadeh.hn/crimenes-cometidos-contra-unos-200-abogados-impunes-en-mas-del-90-de-los-casos/>

⁹ Press Release, CONADEH, *Crímenes cometidos contra unos 200 abogados, impunes en más del 90% de los casos*, (30 May2022). Available at: <https://www.conadeh.hn/crimenes-cometidos-contra-unos-200-abogados-impunes-en-mas-del-90-de-los-casos/>

¹⁰ CIVICUS, *Honduras: csos say more effort is needed to guarantee safety of human rights defenders and journalists*, (20 July 2022). Available at: <https://monitor.civicus.org/updates/2022/07/20/honduras-civil-society-organisations-say-more-effort-needed-guarantee-safety-human-rights-defenders-and-journalists/>

¹¹ Amnesty International Report 2021/2022

¹² Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of Honduras*, (11 July 2016), U.N. Doc. E/C.12/HND/CO/2 ¶11.

¹³ Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of Honduras*, (11 July 2016), U.N. Doc. E/C.12/HND/CO/2 ¶11.

¹⁴ “the Miskito-Masta, the Lenca, the Garífuna, the Maya Ch’orti’, the Tawahka, the Pech, the Nahuas, the Tolupán, the English-speaking black community and the Chorotega.” Infranote 13.

¹⁵ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Honduras under articles 16 and 17 of the Covenant, due in 2021*, (8 December 2021), U.N.Doc. E/C.12/HND/3 ¶37.

¹⁶ In Honduras, proposed legislation requires three separate debates under the National Congress. See. Técnica legislativa en Honduras, available at <https://www.corteidh.or.cr/tablas/a13063.pdf>.

¹⁷ Amnesty International Report 2021/2022, 186.

extraction of natural resources and mining without informing the community, nor providing spaces for public participation and consent.¹⁸

IV. Discrimination (para. 21)

11. In its 2016 Concluding Observations, the Committee noted the State's lack of comprehensive and effective measures for fighting discrimination against indigenous peoples, people of African descent, individuals living with HIV/AIDS, and discrimination on the grounds of sexual orientation or gender identity.¹⁹
12. One of our clients, a Garifuna woman, reported systemic discrimination against Afro-descendant and Garifuna people in Honduras. The client alleged that police officers fail to investigate crimes against and protect the Garifuna community. The police, she says, "pay no mind" to crimes in the Garifuna community and have an attitude that these crimes are "crimes between black people."²⁰ The organizations Global Witness²¹ and *Iniciativa Mesoamericana de Defensoras de Derechos Humanos*²² reported authorities failed to investigate the disappearances of members of the Garifunas community.
13. Honduras also fails to guarantee positive measures to overcome systemic discrimination on the grounds of sexual orientation or gender identity in the country.²³ RedLaCTrans reports that "health centers in Honduras do not provide [...] adequate treatment to trans people"²⁴ Honduras fails to guarantee positive measures such as the provision of trained professionals in sex confirmation surgeries, as well as a lack of protocols for hormone replacement therapy.²⁵
14. Our clients have reported that due to the State's lack of guarantees for access to employment and systemic discrimination, transgender women are particularly vulnerable to gang violence.²⁶ Gangs continuously force and recruit transgender women into selling drugs and prostitution. Gangs like MS13 threaten and kill those who refuse and their family members.²⁷

¹⁸ Castellanos, Diana Yenifer Servellón. "Análisis coyuntural de las ZEDES y el bicentenario de independencia de Honduras: el nuevo modelo de colonización." *La Revista de Derecho* 42 (2021): 95-109.

¹⁹ Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of Honduras*, (11 July 2016), U.N. Doc. E/C.12/HND/CO/2 ¶23.

²⁰ Interview by The Advocates 2021.

²¹ Press Release, Global Witness, Global Witness demands an urgent investigation into the disappearances of members of the Garifunas community in Honduras (1 August 2020). Available at: <https://www.globalwitness.org/en/press-releases/global-witness-demands-an-urgent-investigation-into-the-disappearances-of-members-of-the-garifunas-community-in-honduras/>

²² Press Release, *¿Hagana-san? ¿Dónde están? A dos años de la desaparición forzada de cuatro jóvenes garifunas seguimos exigiendo respuestas.* (19 July 2022). Available at: <https://im-defensoras.org/2022/07/hagana-san-donde-estan-a-dos-anos-de-la-desaparicion-forzada-de-cuatro-jovenes-garifunas-seguimos-exigiendo-respuestas/>

²³ IACtHR, Vicky Hernández et al. v. Honduras.

²⁴ REDLACTRANS, 2021 Regional Report of the Center For Documentation And Trans Situation Of Latin America And The Caribbean (Cedostalc), p. 18. Available at: <http://redlactrans.org.ar/site/we-are-not-dying-we-are-being-killed-cedostalc-regional-report-2021/>

²⁵ REDLACTRANS, 2021 Regional Report of the Center For Documentation And Trans Situation Of Latin America And The Caribbean (Cedostalc), p. 18. Available at: <http://redlactrans.org.ar/site/we-are-not-dying-we-are-being-killed-cedostalc-regional-report-2021/>

²⁶ Interviews by The Advocates 2020.

²⁷ Interviews by The Advocates 2021.

V. Gender equality (para. 23)

15. In its 2016 Concluding Observations, the Committee expressed concern regarding the continued inequality between men and women in terms of access to employment, health care, and social security.²⁸
16. The State Party describes policies, such as financial autonomy units and women centres, as a means to increase the employment levels of and provide financial help to women.²⁹
17. Several of The Advocates' clients who are trans women described Honduras as lacking effective measures for improving access to employment and healthcare safety nets. In particular, trans women are not guaranteed access to jobs. In interviews, clients report that small towns are particularly difficult to secure employment.³⁰ Several employers ask our clients to dress like men as a condition of employment.³¹
18. The Honduran Council of Private Enterprise (COHEP) reports that more than 185 thousand Honduran women are unemployed. COHEP stresses that "the participation rate of the working age population reaches 74.3 percent, while for women it is 48.3 percent in 2021."³²
19. Women's participation in economic life continues to be very low relative to men. The Working Group on the issue of discrimination against women in law and in practice reported in its visit to Honduras a 35 percent difference between men and women in participation in the labor force.³³ In informal occupations, like domestic service, women experience vulnerable situations and lack legal protections.³⁴

VI. Unemployment, underemployment, and unfavorable working conditions (para. 27–33)

20. In its 2016 Concluding Observations, the Committee expressed concern about the effectiveness of programmes implemented by Honduras to decrease rates of unemployment and underemployment.³⁵ The Committee was also concerned about the insufficient minimum wage, as it fails to ensure an adequate standard of living for workers.³⁶ The Committee expressed concern about the poor working conditions of women workers, particularly in the maquila and domestic labor sectors.³⁷

²⁸ Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of Honduras*, (11 July 2016), U.N. Doc. E/C.12/HND/CO/2 ¶ 23.

²⁹ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Honduras under articles 16 and 17 of the Covenant, due in 2021*, (8 December 2021), U.N.Doc. E/C.12/HND/3. ¶111.

³⁰ Interviews by The Advocates 2021.

³¹ Interviews by The Advocates 2021.

³² La Tribuna, "Alrededor de 185 mil mujeres según el Cohep" Aug. 6 2022. <https://www.latribuna.hn/2022/08/06/alrededor-de-185-mil-mujeres-desempleadas-segun-el-cohep/>

³³ Human Rights Council, *Visit to Honduras: Report of the Working Group on the issue of discrimination against women in law and in practice*, (May 8, 2019), U.N. Doc. A/HRC/41/33/Add.1, ¶37.

³⁴ Human Rights Council, *Visit to Honduras: Report of the Working Group on the issue of discrimination against women in law and in practice*, (May 8, 2019), U.N. Doc. A/HRC/41/33/Add.1, ¶37; US State Report 2021 p.18.

³⁵ Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of Honduras*, (11 July 2016), U.N. Doc. E/C.12/HND/CO/2, ¶27.

³⁶ Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of Honduras*, (11 July 2016), U.N. Doc. E/C.12/HND/CO/2, ¶29.

³⁷ Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of Honduras*, (11 July 2016), U.N. Doc. E/C.12/HND/CO/2, ¶31.

21. Honduras reports efforts to reduce unemployment and underemployment rates via the National Employment Policy of Honduras 2017-2018.³⁸ In response to concerns about the working conditions in women-dominated sectors, the State Party pointed to the 2017 Labour Inspection Act. Honduras asserted the Act ensures state protection in employment by establishing inspections of working conditions in response to alleged reports of labor abuse and exploitation.³⁹
22. The Honduran Government fails to effectively enforce occupational safety, health standards and adequate working conditions.⁴⁰ In agriculture, domestic service, and security industries, Honduran employers do not ensure maternity rights or pay minimum wage and overtime.⁴¹ These industries have a particularly high frequency of employees working additional hours.⁴² In female-dominated sectors like the *maquila*, women report widespread labor rights violations, such as experiencing harassment, exploitation and little rest, insufficient food breaks and access to water, and extra working hours.⁴³
23. The Honduran Government lacks enforcement mechanisms for labor laws, including failing to verify employers' compliance with laws regarding employee unionization and ensuring workers can exercise their rights to engage in collective bargaining without difficulty.⁴⁴ Reports also indicate that the Government and Honduran law insufficiently deterred forced labor violations, including labor violations against children.⁴⁵

VII. Children and adolescents in situations of vulnerability

24. In its 2016 Concluding Observations, the Committee expressed concern about the vulnerability of adolescents and children living in Honduras.⁴⁶ In particular, the Committee noted the risk of children being recruited by gangs or forced into child labor.⁴⁷
25. Honduras points to implementing initiatives for helping adolescents living in areas under gang conflicts such as the Gang Resistance Education and Training Programme, the Safe Learning Spaces Initiative for the Inclusion of Children, and Youth Outreach Centres.⁴⁸ The State detailed

³⁸ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Honduras under articles 16 and 17 of the Covenant, due in 2021*, (8 December 2021), U.N.Doc. E/C.12/HND/3. ¶98.

³⁹ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Honduras under articles 16 and 17 of the Covenant, due in 2021*, (8 December 2021), U.N.Doc. E/C.12/HND/3. ¶ 130-131, 134, 138.

⁴⁰ U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 26.

⁴¹ U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 26.

⁴² U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 26.

⁴³ Human Rights Council, *Visit to Honduras: Report of the Working Group on the issue of discrimination against women in law and in practice*, (May 8, 2019), U.N. Doc. A/HRC/41/33/Add.1, ¶41

⁴⁴ U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 22.

⁴⁵ U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 23.

⁴⁶ Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of Honduras*, (11 July 2016), U.N. Doc. E/C.12/HND/CO/2, ¶37.

⁴⁷ Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of Honduras*, (11 July 2016), U.N. Doc. E/C.12/HND/CO/2, ¶37.

⁴⁸ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Honduras under articles 16 and 17 of the Covenant, due in 2021*, (8 December 2021), U.N.Doc. E/C.12/HND/3. ¶162–164.

measures taken to prevent the exploitation of children and adolescents in the labor sector, including the implementation of monitoring reports and updating criminal codes.⁴⁹

26. Despite these efforts, gang violence remains prevalent and widespread within and around the urban areas of Honduras.⁵⁰ Human Rights Watch reports that these issues are compounded by weak state institutions and bolstered by allegations of collusion between security forces and gangs.⁵¹ The director of the Observatory of Violence at the National Autonomous University of Honduras noted that weak social policies and institutions fail to wrest control of the territory currently run by gangs.⁵²
27. In their exercise of territorial control, gangs forcibly recruit and sexually abuse children.⁵³ Those who resist recruitment are killed, raped, displaced, or disappeared.⁵⁴ Gangs' recruitment of children has forced many children to abandon school, with reports showing that the average age at which children first are in contact with gangs is 13 years old.⁵⁵ Consequently, children have limited access to education, with only 50% of children attending school in 2019.⁵⁶
28. Reports also indicate that the Honduran Government did not sufficiently prevent child labor.⁵⁷ Human Rights Watch reported that more than 360,000 children between 5 and 17 years old were working in 2019.⁵⁸ Children of indigenous and Afro-descendent communities and those in rural areas remain particularly at risk of forced labor in industries such as agriculture and construction, as well as in commercial sexual exploitation.⁵⁹

VII. Suggested Questions for the Government of Honduras

- What concrete measures has the Honduras Government taken to promote the approval of the preliminary bill on prior and informed consultation under National Congress deliberation?
- What concrete measures has Honduras taken to minimize public and private discrimination against trans women?
- What concrete measures has Honduras taken to guarantee the right to work to trans and gender-diverse persons and to ensure trans and gender-diverse persons full inclusion in the labor market?

⁴⁹ Committee on Economic, Social and Cultural Rights, *Third periodic report submitted by Honduras under articles 16 and 17 of the Covenant, due in 2021*, (8 December 2021), U.N.Doc. E/C.12/HND/3. ¶167.

⁵⁰ Human Rights Watch, *World Report 2022: Events of 2021* (Human Rights Watch, 2022), 308.

⁵¹ Human Rights Watch, *World Report 2022: Events of 2021* (Human Rights Watch, 2022), 308.

⁵² The Guardian, "Gangsters killed Maria's sister in Honduras. A note on the door told her she was next" by Sarah Johnson, Jun. 21, 2022, <https://amp.theguardian.com/global-development/2022/jun/21/gangsters-killed-marias-sister-in-honduras-a-note-on-the-door-told-her-she-was-next>

⁵³ The Guardian, "Gangsters killed Maria's sister in Honduras. A note on the door told her she was next" by Sarah Johnson, Jun. 21, 2022, <https://amp.theguardian.com/global-development/2022/jun/21/gangsters-killed-marias-sister-in-honduras-a-note-on-the-door-told-her-she-was-next>

⁵⁴ Human Rights Watch, *World Report 2022: Events of 2021* (Human Rights Watch, 2022), 308.

⁵⁵ Human Rights Watch, *World Report 2022: Events of 2021* (Human Rights Watch, 2022), 313.

⁵⁶ Human Rights Watch, *World Report 2022: Events of 2021* (Human Rights Watch, 2022), 313.

⁵⁷ U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 23.

⁵⁸ Human Rights Watch, *World Report 2022: Events of 2021* (Human Rights Watch, 2022), 313.

⁵⁹ U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 23–25.

- What measures, if any, has Honduras put in place to increase access to employment opportunities for cisgender women, transgender women, and non-binary people?
- What steps has Honduras taken to consult laws and policies regarding favorable conditions of work with unrepresented groups such as trans and gender-diverse persons?
- What steps has Honduras taken to increase access to economic benefits and services for marginalized groups?
- What measures has Honduras taken to improve the institutional cooperation between governmental agencies to enhance economic, social, and cultural rights?
- What steps has the Government of Honduras taken to increase access to education for rural populations?
- What steps has the Government of Honduras taken to provide social programs aimed at persons living in situations of extreme social exclusion? Such as cis women, trans women, Indigenous Peoples, and Afro-descendent communities.
- What measures has the Government of Honduras taken to prevent child labor in urban and rural areas?