



REFERENCE: CERD/101st session/FU/MJA/ks

24 September 2020

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 101st session, considered the follow-up report submitted by the Government of Honduras, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 19 (d) and (e), 21 (c) and 25 (a) and (b) of the Concluding Observations (CERD/C/HND/CO/6-8), adopted following the consideration of the State party's combined 6th to 8th periodic reports, at its 97th session, held in November-December 2018.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined 9th to 11th periodic reports, to be submitted in a single document by 9 November 2023.

Paragraph 19 (d) of the Concluding Observations

The Committee notes the consultations that were held with representatives of indigenous peoples regarding the implementation of an energy project and an oil production project, with a view to obtaining their free, prior and informed consent. It also notes the trainings delivered to members of indigenous communities to empower them in the exercise of their human rights, including the right to prior consultation, and to inform them about the relevant international conventions that the State party has ratified, in particular the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization (ILO).

His Excellency Mr. Giampaolo Carmelo Rizzo Alvarado
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The Committee regrets, however, the lack of concrete information on steps taken to guarantee that the right of indigenous and Afro-Honduran peoples to prior consultation is fully respected regarding any legislative or administrative measures that may affect their rights, or any development, mining, energy, tourism and infrastructure projects that may affect their territories and resources. It is also concerned about the insufficient information on the measures taken to ensure that such consultations are conducted in a systematic and transparent manner, with due representation of the affected peoples. The Committee considers that the response to this recommendation is partially satisfactory and requests the State party to provide, in its next periodic report, further information on the specific measures taken to guarantee the right of indigenous and Afro-Honduran peoples to prior consultation, with a view to obtaining their free, prior and informed consent, in accordance with the terms set forth in the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization (ILO), as well as other internationally recognized standards.

Paragraph 19 (e) of the Concluding Observations

The Committee notes the information provided by the State party that it has entered into a dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to receiving guidance and training for National Congress officials, employees and deputies involved in the approval and adoption of the bill on the right of indigenous and Afro-Honduran peoples to prior consultation. It also notes that training for indigenous peoples on relevant international standards will be launched so as to allow genuinely informed consultations to take place. However, the Committee regrets that some of the recommendations made by the Special Rapporteur on the rights of indigenous peoples concerning prior consultation have not yet been taken into account. The Committee considers that the response to this recommendation is partially satisfactory and encourages the State party to strengthen its efforts to take due account of the recommendations made by the Special Rapporteur on the rights of indigenous peoples concerning prior consultation.

Paragraph 21 (c) of the Concluding Observations

The Committee notes that the State party has complied with 6 of the 19 reparation measures ordered by the Inter-American Court of Human Rights in relation to these two cases, including the cessation of the Punta Piedra II exploration project, the publication and broadcast of both judgments, the reimbursement of costs paid from the Court's Legal Assistance Fund for Victims, and the establishment of inter-institutional coordination mechanisms for the enforcement of judgments. It also notes that steps are being taken to ensure compliance with 10 of the remaining operative paragraphs of these judgments, in particular those relating to the use and enjoyment of communal property through title clearance. The Committee considers that the response to this recommendation is partially satisfactory and requests the State party to provide, in its next periodic report, information on further measures taken to give full effect to the judgments of the Inter-American Court of Human Rights in the cases of the Garífuna Punta Piedra Community and the Garífuna Triunfo de la Cruz Community.

Paragraph 25 (a) of the Concluding Observations

The Committee welcomes the creation of the Prevention and Contextual Analysis Unit, which has drawn up four context risk assessment and prevention plans to prevent acts of violence against human rights defenders, and is preparing another three. It also notes that, from July 2015 to 31 October 2019, the National System for the Protection of Human Rights Defenders granted 374 out of 500 requests for protection measures and that 219 cases were still open by 31 October 2019, including 20 cases related to defenders of indigenous peoples, 5 cases related to defenders of Afro-Hondurans and 47 cases involving human rights defenders who are also environmental defenders. It further takes note of the various protective measures adopted to assist beneficiaries, and that the Directorate General of the Protection System has enhanced the group and individual risk assessment matrix and risk identification procedures through continuous monitoring. While acknowledging the efforts made by the State party to prevent acts of violence against human rights defenders, including leaders of indigenous and Afro-Honduran peoples, and to protect their lives and personal integrity, the Committee remains concerned that the measures adopted to provide them with protection are not sufficiently effective. The Committee considers that the response to the recommendation is partially satisfactory and requests the State party to include, in its next periodic report, information on further steps taken to implement this recommendation.

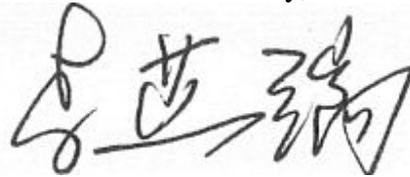
Paragraph 25 (b) of the Concluding Observations

The Committee notes that a second complaints reception unit was created within the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials, which also coordinates with the national protection mechanism to ensure the prompt investigation of the facts. It also notes the statistics provided for 2017 and 2018 on the number of complaints received, prosecutions conducted and convictions handed down for offences against the lives or threats against indigenous and Afro-Honduran persons, as well as the information on the investigation conducted in response to the killing of two indigenous human rights defenders in 2019. It further notes with appreciation that seven individuals were convicted and imposed appropriate sanctions for the murder of the indigenous leader and environmental defender Berta Isabel Cáceres. The Committee, however, remains concerned about the persistence of high levels of impunity for violations of the rights of human rights defenders, including leaders of indigenous and Afro-Honduran peoples. The Committee considers the response to this recommendation partially satisfactory and encourages the State party to strengthen its efforts to ensure that all reports of attempted killings and acts of violence, threats, molestation, harassment and defamation committed against human rights defenders, including leaders of indigenous and Afro-Honduran peoples, are investigated in a comprehensive, impartial and effective manner, so that the perpetrators are prosecuted and duly sanctioned.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Honduras, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Yanduan Li
Chair

Committee on the Elimination of Racial Discrimination