



General Assembly

Distr. general
24 June 2024
English
Original: Spanish

Human Rights Council

Fifty-sixth session

18 June to 12 July 2024

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Visit to Honduras

Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz* **

Summary

The secretariat has the honour to submit to the Human Rights Council the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, on his official visit to Honduras, which took place from 22 May to 2 June 2023. During his visit, the Special Rapporteur examined existing measures and national efforts to prevent and investigate unlawful killings, including deaths resulting from institutional violence, deaths in custody and gender-based killings.

The Special Rapporteur acknowledges the legacy of human rights violations and violence inherited by the current Government and commends the political discourse acknowledging the existing gaps and challenges as well as the willingness to address past violations and prevent their recurrence. He underscores the structural challenges that are impeding efforts to uphold the right to life, including the impunity for criminal offences and corruption that is endemic in State institutions. Despite systematic reporting of unlawful killings and State efforts to provide reparations for the families of victims, very few cases are investigated and in even fewer cases are the perpetrators prosecuted.

In his report, the Special Rapporteur offers practical and context-specific recommendations for improving the prevention and investigation of unlawful killings, enhancing accountability and effectively safeguarding the right to life, especially the lives of vulnerable persons and groups. The Special Rapporteur stands ready to assist the Government of Honduras in the effective implementation of his recommendations.

* The present report was submitted after the deadline so as to include the most recent information.

** The summary of this report is being circulated in all official languages. The report itself is contained in the annex and is being circulated in the language of submission and English only.



Annex

Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, on his visit to Honduras

I. Introduction

1. At the invitation of the Government of Honduras, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, conducted an official visit to Honduras from 22 May to 2 June November 2023. The purpose of the visit was to obtain first-hand information on the situation with regard to extrajudicial, summary or arbitrary executions and to identify good practices and challenges in relation to efforts to uphold the right to life. The Special Rapporteur also examined progress made towards ensuring protection for individuals and groups – especially those in vulnerable situations, as well as accountability for victims and members of their families – and preventing future attacks on the right to life in Honduras.

2. The Special Rapporteur expresses his sincere gratitude to the Government of Honduras for its invitation, for the cooperation extended to him and for the constructive dialogue that took place prior to and during the visit. He also commends the Government's openness, and its readiness to assume responsibility for past violations and address deep-rooted, structural problems in order to prevent any recurrence.

3. During the visit, the Special Rapporteur met with representatives of the executive, legislative and judicial branches, including senior government officials from the Office of the President, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Defence and the Ministry of Human Rights, as well as representatives of law enforcement agencies including the Office for Security in Police Matters, the Directorate of the National Police and the Directorate of the National Prison Institute. He also met with the President, with members of the Supreme Court, the Public Prosecution Service and specialized prosecutors' offices, including the Office of the Special Prosecutor for Human Rights, the Office of the Special Prosecutor for Offences against Life, the Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage, the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators, and with representatives of the Specialist Criminal Investigation Agency, the Directorate General of Forensic Medicine (including its Director General) and the Special Unit for the Investigation of Violent Deaths in Bajo Aguán, attached to the Public Prosecutor's Office. Additionally, he met with the President of the National Congress and members of the parliamentary committees on human rights, constitutional affairs and justice, with the Counsel General and with representatives of national human rights institutions such as the Office of the National Commissioner for Human Rights and the National Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment.

4. The Special Rapporteur also met with relatives of victims of extrajudicial, summary and arbitrary executions, with representatives of civil society organizations and academic institutions including the Observatory on Violence of the University Institute for Democracy, Peace and Security of the National Autonomous University of Honduras and the International Committee of the Red Cross, and with several United Nations agencies, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP).

5. In the capacity of forensic doctor, Mr. Tidball-Binz ran a training session and took part in a workshop organized to formulate a protocol for the investigation and prosecution of violent deaths of LGBTIQ+ persons across the country, in conjunction with the Honduras country office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and civil society organizations. The Special Rapporteur also met with

organizations representing victims killed for having defended land rights, the rights of Indigenous and Afro-Honduran Peoples and the protection of the environment.

6. The Special Rapporteur thanks the OHCHR country office in Honduras for its invaluable support during preparations for the visit and while the visit was under way. He also expresses his deepest gratitude to the families of the victims of unlawful killings and to civil society organizations for their commitment to his work and the trust they placed in him.

7. In the course of the 12-day visit, the Special Rapporteur travelled to the cities of Tegucigalpa, San Pedro Sula, La Ceiba and Trujillo, the towns of El Progreso and Tocoa and the Bajo Aguán region, where he met with local authorities, victims' families and civil society organizations. He also visited the national prison in Támara.

8. The Special Rapporteur looks forward to continuing the constructive dialogue with the Government and other stakeholders with a view to ensuring the effective implementation of the recommendations contained in this report.

II. Background

A. Political, economic and social context

9. The scars of a history of political and economic instability are visible in the deep inequalities and high levels of crime, including drug smuggling and gang violence, that permeate Honduran society. These problems, combined with entrenched corruption, excessive use of force and repressive policies, have for decades facilitated grave human rights violations committed with impunity.

10. In 1963, a military coup overthrew the democratically elected Government of President Ramón Villeda Morales and ushered in a series of authoritarian military Governments that, until 1981, engaged in systematic campaigns of arbitrary detention, torture, enforced disappearance and extrajudicial execution of political opponents in application of its national security doctrine. These campaigns were primarily carried out by special military counterinsurgency units and the infamous Battalion 3-16, a death squad under the command of military intelligence officers.¹ In 1981, a civilian President, Roberto Suazo Córdova, was elected in free and democratic elections. The Constitution entered into force in January 1982.

11. In 2009, a coup d'état illegally ousted the then President Manuel Zelaya. Numerous serious human rights violations were committed under the de facto Government that took control following the coup.² The Truth and Reconciliation Commission created in 2010³ determined that State agents were implicated in 12 extrajudicial killings caused by disproportionate use of force and eight homicides motivated by discrimination. The Commission issued 84 recommendations, including recommendations on justice, reparations and guarantees of non-repetition.

12. The Government's repressive response to the 2017 post-election protests gave rise to further human rights violations. These included excessive use of force, including lethal force, by agents of the security forces, and specifically the Public Order Military Police and the Army, which resulted in deaths and serious injuries among demonstrators, and also among bystanders, that passed without investigation and without the perpetrators being brought to justice.⁴

13. Following an exponential increase in violence in the early 2000s and an expansion in gang activity fuelled by gang members returning to Honduras, the homicide rate grew, peaking between 2011 and 2013 at 90.4 victims per 100,000 inhabitants per year, at that time

¹ E/CN.4/2003/3/Add.2, para. 15.

² See <https://www.cidh.org/pdf%20files/HONDURAS2009ESP.pdf>.

³ Executive Decree No. PCM-011-2010, art. 1.

⁴ See <https://www.ohchr.org/sites/default/files/Documents/Countries/HN/INFORMETEM%C3%81TICO2017Enero2020.pdf>, para. 56.

the highest in the world.⁵ Despite a 17 per cent reduction in the national homicide rate as of 2023, the rate remains high, at almost 32 homicides per 100,000 inhabitants.⁶ The main cause of violent death is firearm injury (accounting for 77.8 per cent of violent deaths of men and 69.3 per cent of violent deaths of women), which is attributed primarily to a lack of effective gun control by the State.

14. The two main gangs are MS-13 (Mara Salvatrucha) and the 18th Street gang (Mara Barrio 18). These gangs act with brutal violence, controlling the lives of residents in the neighbourhoods where they operate, extorting “taxes”, forcing children and young persons to collect these “taxes” or sell drugs, and forcing young women, who are also often subject to rape, torture and even death in inter-gang conflicts, to carry drugs and weapons.⁷ The gangs are also the main source of violence, including homicides, in prisons.

15. The former National Anti-Gang Task Force – a special unit of the National Police that operated from 2013 to 2022 – and other security forces working to combat gangs have engaged in deadly operations targeting vulnerable population groups such as young persons and residents of marginalized neighbourhoods that have given rise to extrajudicial killings. After its dissolution, the National Anti-Gang Task Force was replaced by the Police Directorate for Combating Gangs and Organized Crime, with the stated purpose of comprehensively addressing both ordinary and organized crime.

16. Inherited political and security challenges, compounded by high levels of corruption, including organized crime, have had a devastating effect on the economy of Honduras, which remains one of the poorest and most unequal countries in the region.⁸ The coronavirus disease (COVID-19) pandemic coupled with the effect of hurricanes Eta and Iota pushed the rate of extreme poverty up to 57.7 per cent in 2020. Economic recovery had helped to reduce this rate to 41.5 per cent by 2023, but extreme poverty remains high, mainly owing to the absence of equitable access to land and natural resources, particularly for Indigenous Peoples, persons of African descent and campesinos.⁹

B. Current structural and institutional challenges

17. Impunity is endemic in the case of femicide (90 per cent) and crimes against LGBTIQ+ persons (90 per cent), against bloggers and journalists (93 per cent), against children and adolescents (95 per cent) and against land defenders (97 per cent), among other crimes. Past violations, including the killing of protesters during the violence that erupted following the 2017 elections, remain unpunished.¹⁰ In most cases of alleged human rights violations in which the security forces are implicated monitored by OHCHR, the investigations and prosecutions have failed to identify the perpetrators or establish the chain of command.¹¹

18. Corruption in public institutions has been rampant. The country is ranked 154th out of 180 in the Transparency International Corruption Perceptions Index.¹² The main factors linking corruption to extrajudicial killings are: (a) the lack of accountability of police and military officers accused or suspected of homicides; (b) the corruption that affects public officials responsible for investigating, prosecuting and punishing homicides; and (c) attempts by the authorities to shield officials from accountability. In 2022, the Secretariat of the United

⁵ A/HRC/35/23/Add.1, para. 15.

⁶ Homicide data infographic, 2018 to 2023, available at: <https://www.sepol.hn/sepol-estadisticas-honduras.php?id=158>.

⁷ A/HRC/35/23/Add.1, para. 23.

⁸ See <https://www.bancomundial.org/es/country/honduras/overview>.

⁹ See A/HRC/55/22.

¹⁰ Ibid.

¹¹ Ibid.

¹² See <https://www.transparency.org/en/press/transparency-international-concerned-over-threats-to-civic-space-honduras>.

Nations and the Government of Honduras signed a memorandum of understanding¹³ for the establishment of an international, independent, impartial, and autonomous mechanism to fight corruption and impunity in Honduras. Also in 2022, the State Secretariat for Transparency and the Fight against Corruption was created and a national transparency and anti-corruption strategy for the period 2022–2026 was drawn up in order to address the problem in a comprehensive manner.

III. Legal, institutional and political framework

A. Ratification of relevant international and regional instruments

19. Honduras has ratified the nine core international human rights treaties and the additional protocols thereto. These include the International Covenant on Civil and Political Rights, article 6 of which enshrines the right to life, and the Second Optional Protocol thereto, aiming at the abolition of the death penalty. Honduras is a party to the American Convention on Human Rights, article 4 (1) of which also enshrines the right to life and article 27 of which establishes the non-derogability of certain rights, and has recognized the jurisdiction of the Inter-American Court of Human Rights.¹⁴ According to the Constitution, ratified international treaties form part of domestic law and take precedence in the event of conflict with national legislation.¹⁵

B. Legal framework

20. The Constitution of Honduras establishes the inviolability of the rights to life, dignity and physical, moral and psychological integrity and safeguards the right not to be subjected to torture or cruel, inhuman or degrading treatment.¹⁶ It also recognizes the right to petition for habeas corpus and *amparo*.¹⁷ These provisions are fleshed out in the Criminal Code, which penalizes the offence of ordinary homicide in article 192 and the offence of aggravated homicide (homicide committed with brutality and premeditation) in article 193.¹⁸ The Criminal Code was amended in 2011 to introduce the offences of torture, femicide, hate crime against women and against lesbian, gay, bisexual and transgender persons, incitement to hatred, and discrimination through the media. Another amendment, introduced in 2012, established enforced disappearance as a specific offence.

21. The Public Prosecution Service oversees criminal investigations and proceedings before the courts and the institutions that carry out these functions, including the Specialist Criminal Investigation Agency;¹⁹ the Directorate General for Forensic Medicine and close to 850 offices across the country, including 17 agencies and 11 units specialized in specific categories of crime.²⁰ Representatives of the Public Prosecution Service told the Special Rapporteur that the main challenges it faced stemmed from a lack of sufficient resources, which undermined its ability to investigate offences effectively and efficiently, to uphold human rights and to reduce crime in general. Additionally, the fact that the Directorate General for Forensic Medicine is not independent from the Public Prosecution Service undermines its neutrality. A bill to address this shortcoming is pending adoption in Congress.

¹³ See <https://www.un.org/sg/en/content/sg/note-correspondents/2023-05-04/note-correspondents-international-independent-impartial-and-autonomous-mechanism-against-corruption-and-impunity-honduras>.

¹⁴ See http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights_sign.htm.

¹⁵ Constitution of the Republic of Honduras, art. 18.

¹⁶ *Ibid.*, arts. 65 and 68.

¹⁷ *Ibid.*, arts. 182 and 183.

¹⁸ See [https://www.poderjudicial.gob.hn/Cedij/Cdigos/CodigoPenalDecretoNo130-2017-fusionadoconreformas\(August2023\).pdf](https://www.poderjudicial.gob.hn/Cedij/Cdigos/CodigoPenalDecretoNo130-2017-fusionadoconreformas(August2023).pdf).

¹⁹ See <https://www.mp.hn/publicaciones/mp-y-cn-dan-seguimiento-a-resultados-de-la-unidad-especializada-en-la-investigacion-de-muerte-de-mujeres-y-femicidios-de-la-atic/>.

²⁰ See <https://www.mp.hn/estructura-organica/unidades-especializadas/>.

22. The Police Investigations Directorate is tasked with assisting prosecutors throughout the country in the investigation of criminal offences, including potentially unlawful deaths. However, the Directorate reports to the Ministry of Security, which poses problems for its impartiality when investigating offences perpetrated by members of the security forces.

23. The national human rights institution is the Office of the National Commissioner for Human Rights, has been accredited with “A” status by the Global Alliance of National Human Rights Institutions. The Office is present in all 18 departments of the country and is mandated to receive complaints of human rights violations, including killings, to investigate such complaints and to make appropriate recommendations to State authorities. Of the total number of complaints handled by the Office in 2023, 12.42 per cent concerned death threats. In the period 2021–2023, around 4,700 persons reported having received death threats and many of them were forced to relocate internally or abroad as a result.

IV. Good practices and positive developments

24. In view of the opportunity for change arising from the election of Xiomara Castro, who took office as the first woman President of Honduras on 27 January 2022 and promised to move forward on human rights and to tackle corruption, the Special Rapporteur notes that many of the observations and recommendations made by his predecessors²¹ remain relevant to the fight against the entrenched impunity for extrajudicial, summary and arbitrary executions that has been reported over the past four decades.

25. The Special Rapporteur acknowledges the long-standing structural problems inherited by the new Administration that constitute the root cause of human rights violations including, among the most prevalent, extreme poverty and inequality, rampant corruption, conflict over land, violence, insecurity, impunity, institutional weakness and the patriarchal culture. He also acknowledges the progress made in 2023 towards compliance with the recommendations of international human rights mechanisms, including the adoption of a legal framework to strengthen the independence of the judiciary, the repeal of the Act on the Classification of Public Documents relating to National Security and Defence, progress in environmental matters, and the adoption of the Act on the National DNA Database System.

26. The Special Rapporteur commends recent reparation and remembrance initiatives that recognize the State’s responsibility for crimes committed in application of the national security doctrine. In 2023, Honduras publicly acknowledged its responsibility for the extrajudicial killing of Herminio Deras García in January 1983 and for the multiple human rights violations committed against his family for 30 years, as ordered by the Inter-American Court of Human Rights.²² In February 2024, the Government announced the creation of the National Centre for Historical Memory, which will contribute to the implementation of measures of reparation for the crimes of the past. The Special Rapporteur underscores that meaningful accountability for criminal offences, including extrajudicial killings, through the prosecution of those responsible and the application of penalties commensurate with the gravity of the offence, is the only way to prevent recurrence and provide comprehensive reparation for the families of the victims.

27. On 30 August 2023, with technical assistance from OHCHR, the Committee of the Families of Detained and Disappeared Persons in Honduras presented to President Castro a bill containing a draft law on the victims of the national security doctrine in the period 1980-1993. The bill envisages a series of measures related to the rights to truth, justice, reparation and guarantees of non-repetition for victims and their families. The bill also includes a proposal to create and strengthen, with input from victims and organizations, institutions specialized in the investigation and prosecution of serious human rights violations and mechanisms for the search, location, recovery, identification and dignified return of the skeletal remains of victims of enforced disappearance.

²¹ Visits by previous mandate holders: Asma Jahangir in 2001 (E/CN.4/2003/3/Add.2) and Christof Heyns in 2016 (A/HRC/35/23/Add.1).

²² *Deras García et al vs. Honduras*, judgment of 25 August 2022.

28. The Special Rapporteur acknowledges the adoption of executive and legislative decrees related to violations committed in the context of the 2009 coup d'état, including:

- Decree No. 4-2022, granting financial assistance to the direct descendants and/or ascendants of persons killed during the 2009 coup d'état
- Executive Decree No. 17-2022, establishing a programme of social benefits for family members of the victims of arbitrary execution during the 2009 coup d'état known as "the martyrs of the Honduran resistance"
- Executive Decree No. 13-2023, creating the Programme of Memory, Truth, Reparation, Justice and Non-Repetition for the Reconciliation and Refoundation of Honduras

29. In March 2023, the Office of the Undersecretary for Security submitted to Congress a bill to create a decentralized, independent national institute of forensic medicine and science, in accordance with international standards.²³

V. Principal conclusions on the right to life

A. Right to life of groups and individuals in situations of vulnerability

30. During his visit, the Special Rapporteur was alerted to the long history of attacks on the right to life that has characterized the country's recent past. These attacks, which are still happening, entail death threats and executions targeting vulnerable groups and individuals, including women and girls, LGBTIQ+ persons, persons of African descent and Indigenous persons, children, human rights defenders, including land and environmental defenders, journalists and social media activists. In the 70 cases of killings of human rights defenders documented by OHCHR between 2018 and 2023, 67.1 per cent of the victims were dedicated to the defence of land, territory and/or the environment. The victims were from Indigenous groups in 13 cases and were persons of African descent in 14 cases. In the same period, OHCHR documented at least five cases of enforced disappearance, involving four Garifuna women and one transgender woman.

1. Women and girls (femicide)

31. Honduras has the highest rate of gender-based killings of women and girls (femicides) in Latin America.²⁴ The Office of the National Commissioner for Human Rights estimates that more than 8,100 women lost their lives in violent circumstances in 2002 and 2023 combined and that 400 were murdered in 2023. Faced with these concerning figures, the State took certain positive steps, including amending the Criminal Code in 2013 to introduce the offence of femicide, which is defined, in article 208, as the murder of a woman perpetrated by a man "in a context of unequal power relations between men and women for reasons of gender". In 2022, the Ministry of Women's Affairs was created as the lead institution for national policy on women.²⁵

32. A number of public institutions with a remit to investigate and prevent femicide have been created, including the Office of the Special Prosecutor for the Protection of Women within the Public Prosecution Service and the Unit for the Investigation of Violent Deaths of Women and Femicide, created by decree in 2016.²⁶ By the same decree issued in 2016, the State also created the Inter-agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides,²⁷ responsible for inter-institutional coordination, analysis,

²³ A/HRC/50/34, para. 56.

²⁴ <https://unsdg.un.org/latest/stories/violence-against-women-other-pandemic-impacting-honduras>.

²⁵ Decree No. PCM-05-2022.

²⁶ Decree No. 106-2016.

²⁷ *Ibid.*, art. 2. The Commission's rules of procedure can be consulted at: <https://www.tsc.gob.hn/bookcase/index.php/reglamentos/862-rules-of-procedure-de-la-comision-interinstitucional-de-seguimiento-a-las-investigaciones-de-las-muertes-violentas-de-mujeres-y-los-femicidios>.

formulating recommendations for the Government, ensuring the implementation of security policies and recommending campaigns to eradicate violence against women.²⁸ In 2022, the President of Honduras announced that the National Women's Institute would become a Ministry.²⁹

33. However, these positive legislative and institutional advances are undermined by other developments, such as the entry into force, in June 2020, of the new Criminal Code, which reduced the minimum sentence for femicide to 15 years.³⁰ The reduction in sentences is compounded by a low prosecution and conviction rate in femicide cases, as well as procedural flaws in investigations.³¹ During his visit, the Special Rapporteur noted with concern the persistently high rate of femicide and the impunity that prevails. He also noted that the number of investigations and prosecutions in femicide cases remains unsatisfactory owing to a combination of budget, human resource and technical constraints, limited coverage of rural areas and poor inter-institutional coordination.³²

34. The Special Rapporteur followed with concern the high-profile case of Keyla Patricia Martínez Rodríguez, who was detained by security forces on 6 February 2021 for allegedly violating the curfew imposed during the COVID-19 pandemic and placed in custody in Police Departmental Unit No. 10 in La Esperanza (Intibucá), where she died the same day. Witnesses stated that she had been assaulted while in custody while the police claimed that she had committed suicide – a claim that was dismissed by the Office of the Special Prosecutor for Offences against Life within the Public Prosecution Service after the autopsy identified signs of manual strangulation consistent with homicide. A police officer was subsequently charged but, despite irrefutable evidence of femicide, the officer was convicted of involuntary manslaughter and, in February 2024, was granted early release after paying a fine of less than \$400. The outcome of this case attests to the degree of sexist bias and tolerance of gender-based crime that still prevails within the criminal justice system despite the authorities' efforts to prevent it. In October 2023, the Inter-agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides urged the judiciary to correct the sentence but, to date, there had been no review.

2. LGBTIQ+ persons

35. Several Special Rapporteurs have expressed concern about unlawful killings of LGBTIQ+ persons,³³ the lack of investigation and the impunity enjoyed by perpetrators.³⁴ During his visit, the Special Rapporteur noted that this situation continues. In 2023, at least 47 LGBTIQ+ persons were killed (12 lesbian women, 17 gay men and 18 transgender persons) and one was a victim of enforced disappearance. Only 8 of these 47 cases were the subject of a criminal investigation and, to date, no charges have been brought.³⁵ According to the Office of the National Commissioner for Human Rights, almost 90 per cent of crimes against LGBTIQ+ persons go unpunished.³⁶

36. The dangers faced by LGBTIQ+ persons in Honduras were also recognized by the Inter-American Court of Human Rights in the case of Vicky Hernandez, a transgender woman and human rights activist who was a victim of extrajudicial killing in 2009. In November 2020, the Court ruled that the State of Honduras was responsible for her death and for the failure to investigate it, and ordered a series of reparatory measures, including the

²⁸ Decree No. 106-2016, art. 3.

²⁹ See <https://www.laprensa.hn/honduras/instituto-nacional-de-la-mujer-pasara-secretaria-estado-announcement-xiomara-castro-presidenta-XC6361213>.

³⁰ CEDAW/C/HND/CO/9, para. 24; and Decree No. 130-2017.

³¹ A/HRC/433/Add.2, para. 42; and A/HRC/WG.6/36/HND/3, para. 70.

³² A/HRC/WG.6/36/HND/3, para. 70.

³³ E/CN.4/2003/3/Add.2, para. 68.

³⁴ A/HRC/35/23/Add.1, paras. 44–47; and E/CN.4/2003/3/Add.2, para. 68.

³⁵ A/HRC/52/24, para. 83.

³⁶ See <https://www.conadeh.hn/defensora-del-pueblo-de-honduras-demanda-que-cesen-los-crimenes-of-hate-against-members-of-the-lgtbi-community/>.

formulation and implementation of a special protocol for investigating deaths of LGBTIQ+ persons.³⁷

37. The case of Thalía Rodríguez Rivera, a transgender woman and LGBTIQ+ activist murdered at her home in Tegucigalpa in 2022, apparently to end her activism, provides another illustration of the persistent failure to adequately investigate these homicides. In this case, the subsequent investigations were apparently plagued by irregularities. Following national and international protests, one person was arrested and charged with her murder and, at the time of writing, is awaiting sentencing. However, the irregularities in the investigation raise doubts about the charges brought in this case.

38. The Special Rapporteur is providing technical assistance and cooperating closely with OHCHR, national institutions and national and regional non-governmental organizations to develop a national protocol for the investigation and prosecution of violent deaths of LGBTIQ+ persons. The protocol would be the first of its kind and could serve as a model of good practice for other countries and regions.

3. Indigenous Peoples and persons of African descent

39. The Indigenous and Afro-Honduran population represents slightly more than 8 per cent of the country's total population.³⁸ The Lenca, Maya Ch'orti, Miskito, Pech, Tawahka and Xicaque Peoples are classified as Indigenous, while the Garifuna and Bay Island Creoles are Honduran ethnic groups of Afro-Caribbean origin.³⁹ Indigenous Peoples and Hondurans of African descent have historically faced structural barriers that have given rise to systematic discrimination.⁴⁰

40. The Special Rapporteur noted a lack of effective and timely investigation of the serious violations committed against members of both groups and their communities as well as a lack of protection measures that leaves these communities in a situation of increased vulnerability and exposed to a high risk of further abuse. Echoing the recent judgment of the Inter-American Court of Human Rights in *Garífuna Community of San Juan and its Members v. Honduras*, the Special Rapporteur notes with concern the threats and attacks that the community has suffered as a result of its struggle to prevent the misappropriation of its lands, including for tourism development projects, and the reported failures to adequately investigate such violations and provide protection for members of the community.⁴¹ On 28 January 2023, Ricardo Arnault Montero, a fisherman, Garifuna land rights activist and member of the Land Defence Committee, was killed in mysterious circumstances near his home in the community of Triunfo de la Cruz on the north coast. It was in this same location that four Garifuna leaders, including Alberth Sneider Centeno, the first young president of the community's governing board and a member of the Black Fraternal Organization of Honduras, disappeared from their homes after being arrested in July 2020 by unidentified men wearing National Police uniforms. There has been no news of them since.⁴²

41. In another example of such violations, in 2021 Erick Barú Rivera, a Miskito fisherman, was killed when a sizeable contingent of soldiers of the Armed Forces fired indiscriminately at members of his community, including women and children gathered peacefully on the beach.⁴³ The Special Rapporteur, as a forensic doctor, met with members of the community, examined their healed gunshot wounds and viewed photographs taken immediately after the attack of the injuries sustained by some of the children, all of which

³⁷ *Vicky Hernández et al vs. Honduras*, judgment of 26 March 2021. See also <https://www.oas.org/en/iachr/decisions/court/2019/13051FondoEn.pdf>.

³⁸ See <https://www.ine.gob.hn/images/Productos%20ine/censo/Tomo%20municipales%20pdf/12lapaz/168Cane.pdf>.

³⁹ See <https://www.refworld.org/reference/countryrep/mrgi/2008/en/65122>.

⁴⁰ CERD/C/HND/6-8, para. 6.

⁴¹ Judgment of 29 August 2023, para. 44.

⁴² See <https://oacnudh.hn/oacnudh-condena-la-desaparicion-forzada-de-alberth-sneider-centeno-presidente-del-patronato-de-la-comunidad-garifuna-de-el-triunfo-de-la-cruz-y-de-tres-personas-mas-pertenecientes-a-la-comunidad/>.

⁴³ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunication/File?gId=26836>.

were fully consistent with their testimonies. At the time of his visit, the authorities had not yet visited the community to investigate the attack, supposedly for security reasons and because they lacked the resources to travel to this remote location. No one has been held accountable for these violations.

42. In November 2022, Marcos Antonio Pineda, a member of the Lenca community of El Encinal, in La Paz department, was arbitrarily killed by members of the National Police while they were conducting an inspection in a village settlement. In October 2023, the local courts acquitted the only officer charged with the murder,⁴⁴ so ensuring total impunity for a homicide that, according to reports, was just part of the systematic and unpunished attacks suffered by the Lenca people.⁴⁵

43. An exception to this pattern of impunity is the case of Berta Cáceres, a Lenca Indigenous activist and environmentalist and the national coordinator of the Civic Council of Popular and Indigenous Organizations of Honduras, who was assassinated in 2016 because of her activism against a hydroelectric project planned on ancestral lands. Those responsible for planning, ordering and carrying out her murder were arrested, charged and found guilty, and were sentenced in June 2022.

44. The Special Rapporteur takes note of the public apology issued by the State in Puerto Lempira in March 2023, when it acknowledged its responsibility for the crimes committed against members of the Miskito community,⁴⁶ making an important first step towards ensuring accountability, truth and reconciliation.

4. Children and adolescents

45. Despite the adoption of Executive Decree No. 11-2013, establishing the National Policy for the Prevention of Violence against Children and Young Persons, designed to reduce the structural factors that render children, adolescents and young persons vulnerable to violence,⁴⁷ the risk of violent death remains very high. In 2023, there was an average of 60 deaths per month, which was 21 more than in the previous year.⁴⁸

46. Organized crime, including gang violence, is responsible for 36.6 per cent of all homicides. The Committee on the Rights of the Child expressed concern about the extensive recruitment of children by gangs and recommended, inter alia, that the State take all measures necessary to prevent the recruitment of children and protect them from violence.⁴⁹ The Special Rapporteur is particularly concerned about the lack of effective solutions to combat the root causes of violence against children, which include poverty, recruitment by gangs, social stigmatization and attacks, including arbitrary killings, by law enforcement officers that are often met with impunity for the perpetrators.

47. Brian Jafeth Hepburn, a 15-year-old teenager, was arbitrarily detained in 2020 by the National Police in San Pedro Sula. He was taken to a local police station, where, according to witnesses, he was tortured and then killed. His mother found his body, with signs of torture and a gunshot wound to the back of the head, lying in a local field later the same day. To date no one has been brought to justice for his murder.

⁴⁴ See <https://oacnudh.hn/28-de-octubre-de-2023-oacnudh-lamenta-el-fallo-en-el-caso-de-marcos-antonio-pineda-integrante-de-copinh-asesinado-el-23-11-2022-en-el-que-el-tribunal-de-sentencia-de-comayagua-absolvio-de-los-car/>.

⁴⁵ See <https://copinh.org/2023/10/comunicado-el-tribunal-de-sentencia-de-comayagua-ha-absuelto-de-los-cargos-de-manera-arbitraria-al-policia-jose-adan-perez-por-el-homicidio-del-joven-lenca-marcos-antonio-pineda/>.

⁴⁶ Inter-American Court of Human Rights, *Miskito Divers (Lemoth Morris et al.) v. Honduras*, judgment of 31 August 2021.

⁴⁷ See <https://conexihon.hn/2022/04/30/sin-avances-la-implementacion-de-la-politica-nacional-de-prevencion-de-la-violencia-hacia-la-ninez-y-juventud/>.

⁴⁸ See <https://redcoiprodén.org/honduras-registra-un-incremento-de-21-en-muertes-violentas-de-ninez-adolescencia-y-juventud/>.

⁴⁹ [CRC/C/HND/CO/4-5](https://www.crc.org/docs/default-source/press-releases/2018/crc-hnd-co-4-5.pdf).

48. The Special Rapporteur echoes the Human Rights Committee's call for the authorities to duly investigate all violent crimes, prosecute the perpetrators and enhance protection for children at risk of violence.⁵⁰

5. Activists and defenders of land, territory and environmental rights

49. In 2023, OHCHR recorded at least 17 killings. In 15 of these cases, the victims were human rights defenders, mainly defenders of land and environmental rights, while in 2 cases, the victims were journalists. During his visit to the Bajo Aguán region, the Special Rapporteur noted with grave concern the frequent conflicts related to access to land and natural resources, including threats, attacks and killings targeting campesinos, especially land rights and environmental activists and members of campesino cooperatives in the region.

50. Despite the urgent need for human and material resources to ensure prompt and reliable investigations, the Special Rapporteur learned of reductions in the number of prosecutors and expert personnel assigned to investigative units and a lack of basic resources for the medico-legal investigation of these serious crimes. He also noted with grave concern a lack of due diligence and serious conflicts of interest likely to result in negligence and procedural omissions in the investigation of some of the murders. On 14 October 2023, Kevin Meza, an 18-year-old campesino, was murdered in the municipality of Tocoa, in Colón department, during peaceful protests in defence of land rights. He is alleged to have been killed by members of the National Police who intervened to disperse the campesinos and later took over the investigation of his murder. Those responsible are still at large.

51. The Special Rapporteur welcomes the signature of the agreement between the Government, the Agrarian Platform and the Coordinating Committee of Community Organizations of Bajo Aguán in 2022. The agreement provided for the creation of a tripartite commission, which had already been established as at April 2024, to mediate in the conflict and prevent and investigate related human rights violations. However, he remains deeply concerned about the impunity that prevails in respect of the deaths of and attacks on defenders of land and territory that have continued to occur since the signature of the agreement. Security guards and agents of private security companies have allegedly been involved in these threats, attacks and killings.

52. These attacks are not limited to the Bajo Aguán region. Pablo Hernández Rivera, a local media worker and member of the Lenca Indigenous community who denounced local government corruption, was murdered in early 2022 in Tierra Colorada, in Lempira department, allegedly by order of the local authorities, due to his activism. Two persons from his community were arrested and charged with murder in June 2022 and are now awaiting sentencing. Mr. Hernández Rivera's family are reported to have suffered threats for having demanded accountability, including from those who ordered the murder.

53. The Special Rapporteur noted with grave concern that many of the victims of the recent attacks and killings were persons benefiting from precautionary measures under the National Protection System for Human Rights Defenders, Journalists, Social Communicators and Justice Operators. The State has a duty to protect the right to life and any breach of this obligation may in itself equate to a violation of the right.

B. Excessive use of force in the context of the fight against crime

54. The Special Rapporteur is particularly concerned about the state of emergency declared by Decree No. 29-2022 in a bid to combat extortion and related crimes that entered into force on 6 December 2022. Excessive and unscrutinized powers have been granted to the National Police and the Public Order Military Police, which bodies continue to carry out civil security tasks using military tactics and weapons, including making arrests and conducting searches without warrants, at a time when various fundamental rights and freedoms, such as the rights to personal liberty and freedom of association, assembly and movement, among others, have been suspended. The state of emergency has been extended nine times to date and has been expanded into all 18 departments. Several of these extensions

⁵⁰ CCPR/C/HND/CO/2, para. 19.

have been passed in Congress with only limited debate as to their effectiveness and the controls that might be relevant. On at least three occasions, the extensions have not been passed in their entirety, in violation of national regulations.

55. Multiple human rights violations have been reported, among them arbitrary and excessive use of force, including lethal force, and unlawful killings allegedly committed by the Police Directorate for Combating Gangs and Organized Crime and the Public Order Military Police. In 2023, OHCHR documented seven cases of enforced disappearances (of six men and one transgender woman), five extrajudicial killings (all of men), four cases of torture and ill-treatment (all against men) and one case of sexual violence (against a woman). It also recorded allegations of illegal detentions, excessive use of force, abuse during searches conducted without a warrant and planted evidence, particularly in the departments of Cortés, Francisco Morazán and Yoro.⁵¹

56. Wilson Ariel Pérez Hernández was killed in 2022 in San Pedro Sula by members of the former National Anti-Gang Task Force. The police stated that he was killed in a shooting while resisting an arrest warrant issued following an assault on a female police officer who was attempting to disperse a brawl at a football match. The victim had publicly announced that he would surrender to the police in exchange for guarantees of his safety. After his murder, evidence, including closed circuit television footage, emerged which showed that he had been severely beaten before being summarily executed. Four police officers were charged with the murder and were awaiting trial at the time of writing. However, they are likely to be released early. The family has received threats for having demanded justice.

57. The Special Rapporteur welcomes the publication of the National Police Manual on the Use of Force and Firearms.⁵² However, the guidelines contained in the Manual are not legally binding and a specific regulatory framework is required to ensure their effective application. The Special Rapporteur also welcomes the bill to regulate the use of force by law enforcement bodies and officers in Honduras, which is based on relevant international standards and is currently being considered by Congress. He calls for the bill to be adopted.

C. Deaths in custody

58. The National Prison System, which can accommodate 13,000 persons at maximum capacity, is currently housing around 19,500 adults (about 18,500 men and 1,500 women). Overcrowding is thus nearly 30 per cent above capacity, contributing to violence and deaths in custody. Owing to long delays in the administration of justice, around 45 per cent of those in prison are in pretrial detention. At the time of the visit, the judiciary was implementing a prison decongestion plan in an attempt to reduce overcrowding, for example by granting early release where appropriate and expediting trials. As a result, overcrowding had been reduced by 6 per cent compared to 2022.

59. Homicides, inter-gang violence and access to weapons among gang members⁵³ are long-standing problems in prisons that are aggravated by substandard infrastructure and lack of resources, including the resources needed to ensure inmates' health and safety. The accidental fire at the national prison in Comayagua in 2014, in which 361 inmates died, was the deadliest ever recorded in a prison. The high death toll was attributed to a combination of overcrowding, lack of adequate fire safety measures and poor prison management. In 2019, gang violence claimed the lives of 37 detainees across the country's prisons, leading the Government to impose a state of emergency and place prisons under military control until February 2022.⁵⁴

60. The Special Rapporteur noted that there was no unified computer system for registering and monitoring persons held within the prison system and no centralized system for recording information on deaths in custody, including the cause and manner of death and

⁵¹ A/HRC/52/24, para. 21.

⁵² Ministerial Agreement No. 1147-2023.

⁵³ See https://www.state.gov/wp-content/uploads/2023/02/415610_HONDURAS-2022-HUMAN-RIGHTS-REPORT.pdf.

⁵⁴ See <https://www.hrw.org/es/world-report/2021/country-chapters/honduras>.

the outcome of any investigations conducted. Such information is essential for the design of prison management policies that respect human rights and for the prevention of deaths in custody.

61. Honduran prison regulations require all deaths in custody to be investigated, irrespective of the apparent cause and circumstances. However, this important provision is undermined by the fact that investigations rarely comply with established international standards, including the Minnesota Protocol on the Investigation of Potentially Wrongful Death of 2016, not least because practising forensic doctors lack the specialist knowledge and training necessary for its effective implementation. The families of the deceased rarely have access to the results of investigations, which are not usually shared with the prison administration.

62. The Special Rapporteur welcomed the current Government's early efforts to demilitarize the national prison administration, improve prison management and reduce the persistently high level of violence in prisons, including deaths in custody. To lead these efforts, the Government established the National Prison System Intervention Commission, tasked with improving conditions of detention. Additionally, however, he noted with concern the persistent long-standing structural problems – in particular, severe overcrowding coupled with a level of human and material resources alarmingly insufficient to guarantee the safety of inmates and staff – and alerted the authorities to the fact that, without substantial improvements to staffing levels, infrastructure and prison security, the risk of prison violence would not be abated.

63. Shortly after the Special Rapporteur's visit, on 20 June 2023, a violent brawl between rival gangs erupted at the National Women's Prison for Social Adaptation in Támara, resulting in the death of 46 women. Inmates clashed using knives, arson and firearms, the latter belonging to the National Police. When the former head of the Intervention Commission requested an investigation into the origin of the weapons, she received death threats that forced her to flee the country for her own safety. The investigations into the events and the deaths are continuing.

64. As a result of these events, the Government declared a state of emergency in the National Prison System and issued Executive Decree No. 28/2023, re-establishing military control and thus leaving the promising reforms on hold. The Decree delegated to the Public Order Military Police, for one year, the powers to serve as Intervention Commission. The Government also announced plans to build a maximum-security prison on the Swan Islands, a group of remote Caribbean islands, to house gang leaders and prisoners considered violent. This situation raises serious concerns about the ability of the Armed Forces to manage prisons without the relevant training. Owing to this lack of training, a restrictive approach to security, as opposed to an approach respectful of the human rights of persons deprived of their liberty, is likely to be favoured and thus could fuel still more prison violence and, consequently, deaths.

VI. Duty to investigate and access to justice

65. A number of structural impediments continue to impede access to justice and accountability for past and present human rights violations. This situation is attributable, among other things, to the fact that investigations are to a great extent inadequate, to flaws in the administration and enforcement of justice, including unjustified procedural delays, to the limited extent to which victims are involved in criminal proceedings, and to the absence of an effective victim and witness protection system. The Special Rapporteur also noted that capacity for investigating violations of the right to life was limited and that such investigations were often neither prompt, effective, thorough, independent, impartial nor transparent, as required by international standards. He further noted a lack of cooperation from the Armed Forces and security forces when it came to sharing important information with the Public Prosecution Service and allowing access to military installations in the course of criminal investigations, especially investigations into crimes committed in the context of the 2009 coup and the 2017 post-election crisis, as well as a lack of coordination between the

offices of the specialized prosecutors assigned to such cases with a view to ensuring their more effective investigation. The Human Rights Secretariat has echoed these concerns.⁵⁵

66. The Directorate for Police Disciplinary Matters is responsible for investigating abuses committed by police officers in Honduras and the Inspectorate General of the Armed Forces and the Humanitarian Law Directorate are responsible for investigating abuses committed by military officers, while the Office of the National Commissioner for Human Rights process complaints of human rights violations and refers them to the Public Prosecution Service for investigation.⁵⁶ The fact that the same law enforcement body suspected of having carried out extrajudicial killings is responsible for the investigation of its own conduct raises serious doubts as to the independence and impartiality of the investigative process and its outcome, and is not compatible with international standards. The Special Rapporteur noted the creation, in 2023, of the Specialist Criminal Investigation Agency within the Public Prosecutor's Office,⁵⁷ which is independent from the National Police and is mandated to investigate serious crimes. However, the human and material resources allocated to this Agency are insufficient.

67. Another recurrent impediment is that the investigating authorities often refuse or otherwise obstruct the registration of victims' complaints. Additionally, human rights defenders are frequently criminalized while those who report unlawful killings, including relatives of victims, face threats and attacks. Junior Tomás Santos Pineda was arbitrarily detained in March 2023 by officers of the National Police and the Police Directorate for Combating Gangs and Organized Crime, who used violence to enter and raid his home on the pretext of the state of emergency, and, at the time of writing, his whereabouts are unknown. During the arrest, the police threatened his family and severely beat his brother Darwin Fabricio Santos. In June 2023, Tomás Santos Alejandro, the father of Junior Tomás, was shot and killed at his home by unidentified assailants. In July 2023, Darwin Fabricio Santos was arrested, charged with gang activity and imprisoned pending trial. Those responsible for the disappearance of Mr. Santos Pineda and the murder of his father remain at large.⁵⁸

68. The Special Rapporteur noted that victims had only limited access to free and effective legal services. Although article 16 of the Code of Criminal Procedure establishes that the Public Prosecution Service must provide legal assistance when required, the provision of such services is hampered by a lack of resources that creates an additional obstacle to victims' participation in criminal proceedings, as required by international standards.⁵⁹

69. The Special Rapporteur noted with great concern that the State, and particularly its criminal justice system, has failed to comply with decisions of the Inter-American Court of Human Rights that require the State to take the measures necessary to investigate, prosecute and, especially, punish those responsible for the commission of extrajudicial killings. The Public Prosecution Service has not yet implemented any of the protocols that the Court has called for, including, in particular, a protocol for investigating crimes committed against LGBTIQ+ persons, human rights defenders and victims of political violence in the electoral context, despite having received assistance for their formulation, including from OHCHR and from this mandate holder.

VII. Medico-legal and forensic investigation system

70. The Special Rapporteur noted with concern that medico-legal and forensic capacity and resources appeared to be insufficient to ensure the adequate and reliable investigation of crimes, including serious human rights violations such as unlawful killings. Specialists in

⁵⁵ See https://scm.oas.org/pdfs/2023/CIDH/IA2022_Cap_5_HO_ES.pdf, para. 59.

⁵⁶ See https://www.state.gov/wp-content/uploads/2023/02/415610_HONDURAS-2022-HUMAN-RIGHTS-REPORT.pdf; page 4.

⁵⁷ See <https://www.mp.hn/publicaciones/area/atic-agencia-tecnica-de-investigacion-criminal/>.

⁵⁸ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28651>.

⁵⁹ [A/HRC/45/13/Add.3](#), para. 61. See also the Minnesota Protocol on the Investigation of Potentially Wrongful Deaths, para. 25.

anthropology and forensic archaeology are lacking, and access to effective forensic investigation is very limited, if it exists at all, in the remote areas where many of these crimes are reported. The Special Rapporteur discovered that the Tocoa morgue, which is described as being “mobile”, was in fact immobile and lacked equipment, notably radiology equipment, essential to the reliable investigation of cases of violent death.

71. The fact that the General Directorate for Forensic Medicine is structurally dependent on the Public Prosecutor’s Office is incompatible with the impartiality and independence expected of medico-legal systems for investigating deaths under international standards. The Special Rapporteur welcomes the bill to create a decentralized national institute of forensic medicine and science separate from the current General Directorate of Forensic Medicine attached to the Public Prosecutor’s Office, which was submitted to Congress in March 2023. A “decentralized” institute would mean an autonomous, independent institute with its own legal personality and resources, and thus with greater capacity to conduct investigations with full impartiality and with the necessary State powers.⁶⁰

72. The Special Rapporteur acknowledges other legislative and institutional advances aimed at improving forensic investigations and reiterates the need to adopt specific measures to implement these laws. He particularly welcomes the adoption of the Act on the National DNA Database System, passed by Congress in August 2023,⁶¹ which will allow for the categorization and systematization of analyses of DNA profiles obtained from samples and evidence related to criminal investigations and of civil and humanitarian identifications made in the context of situations such as mass disasters, migration and human trafficking, among others.

VIII. Conclusions and recommendations

A. Conclusions

73. **The Special Rapporteur welcomes the fact that the authorities have made an express commitment to investigate and prevent unlawful killings, have acknowledged the problems existing in the area of human rights and have identified the measures needed to address them. Their stated political will must be translated into specific and measurable actions that allow for prompt, effective, thorough, independent and impartial investigations of all cases of unlawful killings, even in the absence of a complaint (i.e. ex officio), for full reparations to be granted to victims and their families and for all those responsible, including those who ordered, planned or agreed to violations of the right to life, to be brought to justice.**

74. **The Special Rapporteur recalls that the duty to combat impunity for unlawful killings is a State obligation, not an option. Bringing those responsible for unlawful killings to justice is also essential to preventing the recurrence of such violations and enforcing the victims’ right to reparations.**

75. **The Special Rapporteur welcomes the cooperation and technical assistance programmes established between the Government of Honduras and OHCHR, particularly the programmes intended to strengthen the rule of law and build capacity within the prison system.⁶² He encourages the State to extend this cooperation to encompass the effective investigation of unlawful killings and expansion of medico-legal and forensic capacity, including through international cooperation, in particular South-South cooperation. Such cooperation will be key to breaking the culture of violence and impunity.**

⁶⁰ A/HRC/50/34. See also <https://seguridad.gob.hn/subsecretaria-de-seguridad-busca-crear-instituto-nacional-de-medicina-legal-y-ciencias-forenses/>.

⁶¹ See <https://justiciaforense.org/2023/08/23/aprobada-ley-de-bases-de-datos-de-adn-en-honduras/>.

⁶² Human Rights Council resolution 54/30.

B. Recommendations

76. The Special Rapporteur recommends that the Government of Honduras carry out prompt, effective, thorough, independent, impartial and transparent investigations and, in particular, urges the State to:

(a) Ensure that all potentially unlawful deaths are investigated in a prompt, independent, impartial, effective, thorough and transparent manner, applying a gender perspective and in accordance with international standards, including, in particular, the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths;

(b) Adopt the bill to create a national institute of forensic medicine and science and allocate sufficient human and financial resources to ensure the institute's effective and autonomous operation;

(c) Prosecute all those responsible for carrying out or instigating unlawful killings and all senior officers in the chain of command responsible for such killings in order to end the situation of structural impunity;

(d) Operationalize the DNA databases that will serve as the basis for investigations into unlawful killings, including the reliable identification of the deceased, and ensure access to information for the victims' families; these databases should be consolidated across all investigative agencies and should allow for information cross-checking in all 18 departments of Honduras, while ensuring that personal data is protected;

(e) Ensure that victims and families have unrestricted access to complaint mechanisms and case files and are able to participate in investigative processes, including by adopting victim and witness protection systems to prevent reprisals;

(f) Ensure effective and transparent coordination between specialized prosecutors' offices and prevent police involvement in investigations into potentially unlawful deaths in order to ensure timely and thorough investigations.

77. With regard to the investigation of past human rights violations, including extrajudicial, summary and arbitrary executions, the Special Rapporteur recommends that the Government of Honduras:

(a) Implement all outstanding recommendations of the Truth and Reconciliation Commission, in particular by thoroughly investigating violations committed before and after the 2009 coup d'état, prosecuting those responsible, providing reparations to the families and adopting measures to ensure that the events are not repeated, in accordance with the judgments of the Inter-American Court of Human Rights;

(b) Facilitate effective search and recovery operations and the reliable forensic identification of victims of extrajudicial killings committed in the past, including while the national security doctrine was being applied in the 1980s and 1990s;

(c) Consider adopting, as a matter of priority, the draft law on victims of the national security doctrine and ensure that its provisions guarantee the investigation of serious human rights violations as well as reparations for the victims.

78. With regard to deaths in custody, the Special Rapporteur recommends that the Government:

(a) Ensure that all deaths in custody are investigated in accordance with the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths;

(b) Ensure that all medico-legal and forensic investigators responsible for investigating deaths in custody receive adequate training on the use of the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths, have the resources necessary for its effective implementation and communicate appropriately with the relevant prison authorities;

(c) Establish a unified, computerized central registry system containing disaggregated data on all persons deprived of liberty in the country and all deaths in custody nationwide, including an indication of the cause of death;

(d) Notify the families of persons who die in custody in a prompt and transparent manner;

(e) Ensure that prisons are managed by civilian forces and that prison security personnel receive adequate training on international standards related to deprivation of liberty, including the management of situations of violence and emergencies;

(f) Ensure that prisons are not controlled by gangs and that inmates do not have access to weapons, drugs and cell phones that could be used to commit crimes and endanger the lives of others inside and outside prison;

(g) Work to reduce overcrowding by adopting, among other measures, less punitive policies that prevent excessive use of pretrial detention.

79. With regard to the use of force, the Special Rapporteur recommends that the Government:

(a) Implement, as a matter of urgency, the National Police Manual on the Use of Force and Firearms (introduced by Agreement No. 1147-2023);

(b) Adopt the bill to regulate the use of force by law enforcement bodies and officers in Honduras and ensure that its provisions adhere fully to the fundamental principles of necessity, proportionality, legality, precaution and non-discrimination;

(c) Provide adequate financial and human resources, and also equipment, to law enforcement bodies in order to ensure compliance with human rights standards;

(d) Provide training on the aforementioned international standards to all agents mandated to use force, and establish administrative and criminal mechanisms to ensure accountability and appropriate penalties;

(e) Ensure that the military police are not involved in public security activities or activities that, in compliance with international standards, should be carried out by non-military personnel;

(f) Identify and address the structural causes of violence and insecurity and ensure that the declaration of a state of emergency and the suspension of rights is an exceptional measure subject to systematic review in full compliance with international human rights law and, in particular, the principles of necessity and proportionality.

80. With regard to femicides, the Special Rapporteur recommends that the Government:

(a) Adopt and implement, without delay, a specialized protocol for the prevention and investigation of gender-based killings of women and girls, in accordance with the standards established in the Latin American model protocol for the investigation of gender-based killings of women, and foster coordination between civil society and public institutions to ensure its effective implementation;

(b) Amend the Criminal Code to increase the penalties for femicide and make them proportionate to the seriousness of the crime, and ensure that cases of femicide are investigated by the Inter-agency Commission for Monitoring Investigations of Violent Deaths of Women and Femicides and that the perpetrators are prosecuted and punished appropriately;

(c) Train criminal justice system actors to address the personal and contextual factors that lead to femicide, which include deeply rooted misogynistic beliefs. The content of the training should be developed in collaboration with civil society actors and academia.

81. Regarding violent deaths of LGBTIQ+ persons, the Special Rapporteur recommends that the Government:

(a) Redouble efforts to prevent deaths resulting from violence based on gender or sexual orientation, in particular by ensuring that all such cases are investigated in accordance with international standards, and take steps to address the underlying discrimination and stereotyping apparent in such investigations;

(b) Move forward, in cooperation with OHCHR and civil society organizations, with the promotion, training and effective implementation of a protocol for the investigation and prosecution of violent deaths of LGBTIQ+ persons.

82. With respect to children and adolescents, the Special Rapporteur recommends that the Government:

(a) Adopt appropriate measures to protect the right to life of children and adolescents, especially in areas controlled by gangs and during arrests and raids, and establish rules for security forces and investigative agencies to ensure that the rights of children and adolescents are protected during homicide investigations;

(b) Investigate all violent and other serious crimes committed against children and adolescents promptly, thoroughly and impartially and prosecute and punish those responsible, at the same time ensuring that full reparations are provided to victims;

(c) Develop programmes to protect children and adolescents who refuse to join gangs, including by ensuring the effective implementation of and sufficient funding for the Comprehensive System for the Protection of the Rights of Children and Adolescents in Honduras.

83. With regard to the situation in the Bajo Aguán region, the Special Rapporteur recommends that the Government:

(a) Guarantee the effective investigation of all violent deaths occurring in the context of the Bajo Aguán conflict;

(b) Allocate adequate resources to investigative units, including forensic units, and ensure effective protection against reprisals and acts of intimidation for witnesses, victims and their families;

(c) Operationalize and ensure the effective functioning of the tripartite commission established to mediate in the agrarian conflict in Bajo Aguán with a view to finding lasting solutions, addressing structural challenges and guaranteeing reparation and measures of non-repetition.

84. With regard to human rights defenders, journalists, social communicators and justice operators, the Special Rapporteur recommends that the Government:

(a) Strengthen the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators in order to guarantee its effectiveness, adopt clear protocols for assessing risk situations and raise awareness of the mechanism, particularly at the local level;

(b) Call on investigative agencies to establish the pattern of human rights violations, particularly violations committed against the aforementioned groups, with a view to identifying the root causes of unlawful killings and developing a strategy to prevent their recurrence, including by bringing the perpetrators and instigators to justice;

(c) Adopt a comprehensive protection mechanism to protect the physical and psychological integrity and life of persons belonging to this group.

85. With regard to Indigenous Peoples and persons of African descent, the Special Rapporteur recommends that the Government:

(a) Protect the right to life of persons belonging to Indigenous and Afro-Honduran communities and ensure that a differentiated approach is applied in the investigation of all potentially unlawful deaths, threats and attempts on their lives, taking the context of historical discrimination into account and ensuring the availability of the human and financial resources necessary for this purpose.

86. With regard to the fight against impunity and corruption, the Special Rapporteur recommends that the Government:

(a) Continue to work with the United Nations to address the root causes of corruption and to combat corruption in all public institutions, including as a prerequisite for ensuring truth and justice for all victims of violations, including unlawful killings, and members of their families, and for restoring public trust in State institutions, including the criminal justice system;

(b) Commission an independent assessment of the work of investigative agencies, including the Public Prosecution Service and its specialized units, in order to identify the structural weaknesses that lead to inconclusive investigations, particularly in cases of potentially unlawful deaths, and adopt an accountability protocol designed to ensure that any person found responsible for obstructing access to justice, tampering with evidence or obstructing the prosecution of perpetrators is held accountable;

(c) Adopt a policy of zero tolerance for corrupt behaviour and abuse of power in all State institutions with a view to increasing accountability and eliminating real and perceived impunity.

87. The Special Rapporteur recommends that OHCHR expand its programmes of support for the National Prison System so as to ensure the reliable investigation and prevention of deaths in custody, including forensic investigations that conform to international standards, particularly the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths.
