
Committee on the Application of Standards

Information supplied by governments on the application of ratified Conventions

Honduras

Convention No. 87

Honduras

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Honduras (ratification: 1956). The Government has provided the following written information.

Part I: Trade union rights and civil liberties

A. General

The Government has noted with deep concern the previous and new allegations of “numerous anti-union crimes”, including various “homicides and death threats”, that occurred between 2010 and 2014.

As the international community is aware, violence and insecurity are massive problems with serious consequences for Honduran society. The current administration is therefore making enormous efforts to remove these obstacles, strengthening institutions and implementing various actions and measures, which have combined to enable progress in this respect.

Accordingly, in addition to other actions described below, one of the Government’s objectives, in the Strategic Institutional Framework (2015–22) of the Ministry of Security

(SEDS), is to help reduce impunity by reinforcing the Criminal Investigation Police and the Technical Criminal Investigation Agency (ATIC), and it has made a specialized and exclusive commitment to human rights by pushing to implement the Public Policy and National Plan of Action on Human Rights (PNADH), for which the State Secretariat at the Human Rights Department has been established and has been operational since January 2018.

The statistics for homicides as at 2016 show a downward trend, with the homicide rate per 100,000 population falling by 27 points by comparison with 2011. More recent data show that at the end of 2017 the homicide rate stood at 42.7 per 100,000 population.

B. Update on cases

Information on the progress of investigations and criminal proceedings corresponding to each specific case

Table of cases

No.	Name of victim	Case No.	Date of death/ complaint	Crime	Status of case
1	Alma Yaneth Díaz Ortega	546-/17 Judicial	27 Mar. 2014	Murder	Judicial proceedings
2	Uva Erlinda Castellanos Vigil	546-/17 Judicial	27 Mar. 2014	Murder	Judicial proceedings
3	Sonia Landaverde Miranda	Den. 4772-2013/ Lev. 1261-2013	21 June 2013	Homicide	Under investigation
4	Alfredo Misael Ávila Castellanos	0801-2013-0264	12 Dec. 2013	Homicide	Under investigation
5	Evelio Posadas Velásquez	636-20147	27 Feb. 2014	Homicide	Examination to decide on request for proceedings or extension of investigation
6	Juana Suyapa Posadas Bustillo	1819-10	2010	Homicide	Under investigation
7	Maribel Sánchez		2010	Homicide	Under investigation
8	Fredis Omar Rodríguez		27 Nov. 2013	Homicide	Under investigation
9	Claudia Larissa Brizuela	0801-2010	2010	Homicide	Appeal
10	Roger Abraham Vallejo	0801-2009-31202	31 July 2009	Homicide	Under investigation
11	Martin Florencio		2014	Homicide	Under investigation
12	Félix Murillo López		17 Sep. 2009	Homicide	Under investigation
13	José Ángel Flores	139-2016	18 Oct. 2016	Murder	Enforcement of arrest warrants pending

No.	Name of victim	Case No.	Date of death/ complaint	Crime	Status of case
14	Silmer Dionisio George	139-2016	18 Oct. 2016	Murder	Enforcement of arrest warrants pending
15	Moisés Sánchez		15 Apr. 2017	Abduction	Under investigation
16	Hermes Misael Sánchez		15 Apr. 2017	Abduction	Under investigation
17	Miguel Ángel López Murillo	1480968681-2016	5 Dec. 2016	Threats	Protection mechanism
18	Patricia Riera		Aug. 2016	Threats	Filing of complaint pending
19	Ilse Ivania Velásquez Rodríguez	0801-2011-11149	19 Mar. 2011	Culpable homicide	Judgment
20	Víctor Manuel Crespo Murcia	1377-13	14 Sep. 2014	Threats	Under investigation
21	Víctor Manuel Crespo Puerto	11-2014	26 Jan. 2014	Culpable homicide	Concluded
22	Berta Isabel Cáceres Flores	N. 21-2016 (TSJN 3-88-2017, TSJN 4-14-2018)	2 Mar. 2016	Murder	Judicial proceedings

Evaluation of progress

As can be seen, nine cases have entailed judicial proceedings for public order offences, variously involving an appeal, a final ruling, the conclusion of proceedings or the adoption of protection mechanisms; two of these cases involved traffic accidents.

Two cases have resulted in the issuing of arrest warrants, which are due to be enforced by the police authority.

Three cases involving threats have not resulted in any complaint being filed with the prosecution authorities.

Six cases involving public order offences are under investigation.

It should also be noted that seven trade union officials are covered and protected by the National Mechanism for the Protection of Human Rights Defenders.

Part II: Article 2 ff. of Convention No. 87 relating to the establishment, autonomy and activities of trade union organizations

Reforms to the Labour Code

1. Chronology

The Government of Honduras states that a process was followed for several years to align reforms to the Labour Code with Conventions Nos 87 and 98. The actions taken towards this end are described below:

- (a) The Labour Code was issued by Decree No. 189 of 19 May 1959, superseding 18 decree-laws governing labour relations and constituting a single body of law.
- (b) Between 1960 and 1993, various sections of the Labour Code were amended to ensure that they were properly applied, with the constant aim of promoting workers' rights.
- (c) In 1993, with advice from the International Labour Organization (ILO), a committee was established comprising: representatives of the Honduran National Business Council (COHEP); representatives of the workers from their three confederations (the Workers' Confederation of Honduras (CTH), the General Confederation of Workers (CGT) and the Single Confederation of Workers of Honduras (CUTH)); and representatives of the Government from the State Secretariat at the Labour and Social Welfare Department. The work of the tripartite committee resulted in the drawing up by consensus of a preliminary draft of new legislation to replace the Labour Code which had been in force since 1959. The preliminary draft was presented by the tripartite committee to the then President of the Republic, Mr Carlos Roberto Reyna.
- (d) The proposed reforms favoured the workers and would improve the application of the provisions of the Code. Despite consensus being reached on the proposals, the workers subsequently made the accusation that sections of private enterprise were unilaterally seeking to introduce reforms to the labour legislation which were aimed at the flexibilization and deregulation of employment. The Government of that time therefore

decided not to submit the reforms to the National Congress. Since the parties had been unable to reach agreement on the reforms and in view of the rejection of the reforms drawn up by the tripartite committee, the process of revising the Labour Code was brought to a standstill.

- (e) June 2013: a technical committee of the Ministry of Labour and Social Security (STSS – Ministry of Labour) drew up proposals to amend 13 sections (articles) of the Labour Code to bring them into line with Convention No. 87 and four sections to align them to Convention No. 98. The Ministry of Labour forwarded the proposed amendments to the ILO Subregional Office in San José, Costa Rica, in order to obtain the technical opinion of the ILO.
- (f) March 2014: the Ministry of Labour received comments from the International Labour Standards Department of the ILO in Geneva on the proposed alignment of the Labour Code with Conventions Nos 87 and 98.
- (g) March–April 2014: the Ministry of Labour submitted the proposal for alignment of the Labour Code individually to the employer and worker sectors (meetings with each of the workers’ confederations (CGT, CTH and CUTH) and with representatives of private enterprise (COHEP)).
- (h) April 2014: the ILO direct contacts mission was received by the Economic and Social Council (CES).
- (i) May 2014: the proposal for aligning the Labour Code with Conventions Nos 87 and 98 was submitted to the CES.
- (j) May 2014: the CES approved the roadmap for discussing and adopting the proposal to align the Labour Code, taking into account the recommendations made by the ILO Committee of Experts.

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- (k) September 2014: report of the direct contacts mission – the direct contacts mission was also informed of a communication dated 7 April 2014 in which the CGT, CUTH and CTH, mindful of previous experience, expressed their reservations with regard to the consideration of potential reforms to the Labour Code by the legislative authority and their fear that such reforms would involve “major setbacks for labour rights and gains for big business”.

2. Current situation of Labour Code reforms

- (a) The Government of Honduras reiterates its political will to take the appropriate steps to revise the current Labour Code with a view to harmonizing it with the ILO Conventions it has ratified – a process that has been gradually progressing through social dialogue and on a tripartite basis within the CES, as was the case with chapter III of the Code relating to the new Labour Inspection Act, (Decree No. 178-2016 of 23 January 2017, published in the *Official Gazette*).
- (b) As for the reforms still pending to ensure alignment with Convention No. 87, and recalling what occurred in 2014, when the workers’ confederations expressed reservations, the ILO is already aware that the Ministry of Labour is drafting a new proposal that returns to those sections (articles) left pending in 2014, to serve as a baseline for discussions.
- (c) In that respect the Government is meeting its commitment to raise the issue of pending reforms again for discussion within the CES with a view to drafting a roadmap to allow for further alignment of the Code with Convention No. 87 and achieve consensus, so that the reforms can be submitted to the National Congress once the Supreme Court of Justice has given its opinion.
- (d) In this instance, the necessary technical assistance and follow-up are once more requested from the Office.

Part III: Application of the Convention in practice (new trade union registrations)

In its previous report (2017), the Government of Honduras reported that various requests for legal personality had been submitted and that 25 had been granted between 2014 and May 2017, as follows:

- (a) In 2014, five private legal persons were registered, while none were registered in the public sector.
- (b) In 2015, six legal persons were registered, all in the private sector.
- (c) In 2016, legal personality was granted to eight entities, six in the private sector and two in the public sector.
- (d) In 2017, six entities were registered in the private sector.

As there were only two new trade union registrations between May 2017 and March 2018, this gives a total of 27 legal persons registered in the period from 2014 to March 2018.

Conclusion

Lastly, the Government of Honduras wishes to reiterate that all these efforts demonstrate respect for and observance of the Conventions and labour standards in force and, in particular, that there is no policy of anti-union persecution or violence by the State and that the cases mentioned in the report are unfortunately part of the violence affecting the country in general for a number of reasons.