

Committee on the Application of Standards

Date: 1 June 2021

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee

▶ Information on the application of ratified Conventions supplied by governments on the list of individual cases

Honduras (ratification: 1995)

Indigenous and Tribal Peoples Convention, 1989 (No. 169)

The Government has provided the following written information.

Protection measures implemented as a result of violent deaths and threats to members of indigenous and Afro-Honduran peoples (PIAH)

- (1) Protection measures requested for indigenous leaders Cándido Martínez Vásquez and Manuel Salvador Sánchez, from the Lenca San Tomas community, Gualcince, Department of Lempira, who have received death threats;
- (2) members of the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH) in the context of precautionary measures MC-112-16;
- (3) executive committee and advisers of the Garifuna de Cristales and Rio Negro community, Trujillo, Colón;
- (4) members of the Independent Lenca Indigenous Movement, La Paz (MILPAH);
- (5) Lenca indigenous leader Cándido Roberto Martínez (Gualcince, Lempira);
- (6) Lenca indigenous leader Manuel Salvador Sánchez (Gualcince, Lempira);
- (7) Lenca indigenous leader Felipe Benítez, La Paz (MILPAH);
- (8) Francisco Gámez Gámez, Lempira (COPINH);
- (9) Rosario García Rodas, representative of the Lenca Indigenous Organization of Honduras (ONILH);
- (10) Luis Antonio Gonzáles, Luquique, Yorito Yoro;
- (11) José Isabel López (Guaruma Montaña de la Flor);
- (12) executive council of the Tolupán de Candelaria tribe, Yoro;
- (13) José Camilo Rodríguez, José Adán Medina, Simeon Rodríguez (Candelaria tribe, Yoro);

- (14) members of the Pech Santa Maria del Carbon tribe, Olancho;
- (15) Lenca indigenous leader Apolinario Vásquez (La Paz).

Measures needed to promote a climate free of violence for the members of indigenous communities and their representatives, and to ensure the full and effective exercise of their human and collective rights, as well as their access to justice

From its creation in 2018 until February 2021, the Prevention and Context Analysis Unit has drawn up a total of 14 plans for prevention and guarantees of non-recurrence, which have been formulated in conjunction with the population groups benefiting from protection measures in different areas of the country, such as the Lenca indigenous people of La Paz, the Tolupán indigenous people of La Montaña de La Flor, Garifuna communities of Puerto Cortés, Lenca indigenous communities of Intibucá; defenders of the LGBTI community; journalists and media representatives, human rights defenders in the south of Honduras, and also defenders of the right to land through agrarian reform in Bajo Aguán.

Moreover, the above-mentioned Unit has organized 43 dissemination days in relation to the Protection Act, training 814 individuals, including human rights defenders, defenders of indigenous communities, members of the Garifuna people, trade unionists, journalists, media representatives and justice officials.

In 2020, with technical assistance provided through the Letter of Understanding of the Office of the United Nations High Commissioner for Human Rights and the Human Rights Secretariat, the "Handbook for the implementation of gender and intersectional mainstreaming" in assistance provided by the National Protection System.

Also in 2020, with technical assistance from the European Union rights programme, two protocols were drawn up to provide comprehensive assistance for beneficiaries of the National Protection System: (i) Protocol for the implementation and follow-up of temporary relocation, in the context of a pandemic or similar scenarios, by the Implementation and Monitoring Unit, and its guide to implementation; and (ii) Protocol for a comprehensive response to requests for protection measures in the context of a pandemic or similar scenarios by the Case Reception and Immediate Response Unit, and its guide to implementation; and a Protocol for institutional coordination between the Department for Preventive Risk Management in relation to Human Rights Violations and Social Conflict and the Prevention and Context Analysis Unit (UPAC) of the Department for the System of Protection for Human Rights Defenders, Journalists, Media Representatives and Justice Officials, attached to the Human Rights Secretariat.

Appropriate measures to ensure that responsibility is apportioned and the instigators are punished in the Berta Cáceres case

According to a report issued by the Special Prosecutor's Office for Crimes against Life with regard to the instigators, proceedings are currently under way against Mr Roberto David Castillo Mejía. Here no judgment has yet been issued because of delays in the proceedings, owing to the fact that the Public Prosecutor's Office has continued its investigations in order to determine whether any other individuals have been involved in this murder and if so on what basis. Even with the existing delays, the trial against Mr Castillo was opened on 6 April 2021. However, the defence of the accused and suspected instigator, Mr David Castillo, submitted a challenge against the trial court, specifically against the judges who will decide whether or not the accused is guilty, resulting in the deferral of the trial until the Court of Appeal decides whether or not to

replace the judges conducting the proceedings. These proceedings have been dismissed, with the requested replacement resulting in the rescheduling of the oral and public trial.

Measures implemented with regard to the process of prior, free and informed consultation

- The Bill was shared with private enterprise institutions, organizations from civil society and international cooperation, and human rights defenders, not only to publicize the Bill but also to obtain a technical opinion in this regard and seek cooperation in the process of dissemination, consultation and adoption of the Bill.
- Meetings were held with various sectors to pinpoint the precise objective and content of the Bill.
- The Evaluation Committee, with support from the National Congress Legislative Management Department in the process of planning consultations, and in order to ensure the opening up and inclusion of the sectors involved, sent a request for advice and support in the formulation of the consultation strategy to the Office of the High Commissioner for Human Rights in Honduras, to the Inter-American Commission on Human Rights, and to the office of the International Labour Organization in Honduras. Meetings were arranged with the respective parties and the Bill document currently before the Evaluation Committee was shared. The organizations were also asked for their technical opinions on the Bill.
- The Office of the High Commissioner for Human Rights in Honduras agreed to collaborate with the Evaluation Committee, providing technical assistance to the National Congress for capacity building in relation to international standards on the subject of prior, free and informed consultation, for both deputies and officials of the National Congress, who will participate in the process of adoption of the Act so that the process is accomplished in the optimum manner. Support was also requested from them in the revision and restructuring of the Bill in conjunction with the participation of all indigenous and Afro-Honduran peoples in Honduras, and in the design of an appropriate methodology involving indigenous peoples in the preparation of the Bill. On this last subject, no agreement has been reached so far.
- The ILO representative on indigenous matters, after a meeting with the Evaluation Committee on the premises of the National Congress and further to a request by email, agreed to provide his technical opinion on the shared document, though this opinion has not yet been received.
- As part of the planning process, emphasis was placed on the importance of mapping the indigenous and Afro-Honduran institutions which need to participate in the consultation process that must be undertaken to give legitimacy to the process. For the preparation of the mapping, meetings were held with a number of organizations bringing together institutions representing the peoples. Through their collaboration information was gathered forming the basis, together with another investigation being carried out by National Congress technical staff, for the current analysis so that it will be ready when the consultation process for the adoption of the Bill is launched.
- Two bridge-building meetings were held using digital video conference platforms with a number of representatives of the indigenous peoples.
- A meeting was held between the pro tempore President of the G16, the Evaluation Committee, a team of advisers from the National Congress and a number of

indigenous representatives with the purpose of informing the aforementioned of the current status of the Bill.

Specific measures to improve the situation of Miskito dive-fishers

- Reforms to the Regulations on occupational safety and health in underwater fishing: Executive Decree STSS-577-2020;
- practical guide for safe dive-fishing in Honduras; considerations relating to dive-fishing in the context of underwater fishing;
- Plan of Action (for the implementation of the Regulations on occupational safety and health in underwater fishing);
- Tripartite Cooperation Agreement on providing comprehensive health services for the population engaged in dive-fishing (SSIPPB), with priority given to divers suffering from decompression sickness, between the Ministry of Development and Social Inclusion (SEDIS), the Ministry of Health (SESAL) and the Association of Industrial Fishers of the Honduran Caribbean (APICAH);
- formulation of a Pluriannual Strategic Plan of the Inter-Institutional Commission for Problem Prevention and Assistance in Dive-Fishing (CIAPEB), drawn up by the United Nations Development Programme (UNDP) in 2013 as an instrument for facilitating intervention in identified priority areas;
- repair, refurbishment and delivery of ten motorboats to facilitate productive and organizational activities;
- alternative special care for dive-fishers with disabilities, on account of difficulties of access to hospital care and to avoid long waiting times for basic and/or special medical care;
- provision of economic support to individuals in transit through Tegucigalpa referred by the health system in La Mosquitia;
- Project 8 – 002-2017: Development of business capacities in the community of Benk, Marine Resources Collection Centre, Villeda Morales;
- Project 9 – 003-2017: Support for the development of agricultural production and supplies of staple grains in the community of Belén, Brus Laguna;
- social project to reinforce the assistance centre of the Association of Honduran Miskito Divers with Disabilities (AMHBLI);
- project for the reinforcement of CIAPEB;
- construction of AMHBLI one-stop centre (Puerto Lempira);
- bursaries for children of dive-fishers with disabilities;
- disability and rural bonus;
- organizational reinforcement of AMHBLI;
- reforms in occupational safety and health in underwater fishing (Brus Laguna and Puerto Lempira).

Participation of the Miskito people in the formulation, application and evaluation of the above-mentioned measures

- 2017: Focus on beneficiaries for the delivery of assisted mobility equipment (wheelchairs, crutches, walking sticks, etc.), carried out with complete autonomy by AMHBLI;
- planned deliveries of food rations under family supervision and subsequent delivery with the active involvement of AMHBLI;
- 2018: Planned food deliveries under the supervision of AMHBLI and beneficiary families, and subsequently delivery with the active involvement of AMHBLI;
- March 2019: AMHBLI-CIAPEB joint project inspection;
- 2019: Implementation of Technical Assistance Project: lucp-hon/3703/c3 – Improvement of occupational safety and decent work in dive-fishing in Honduras: Introduction to the updating and reform of the Regulations on occupational safety and health in underwater fishing, in the municipalities of Brus Laguna and Puerto Lempira.