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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

**ANNEX II**

to the Commission Implementing Decision on the financing of the multiannual action plan in favour of Honduras for 2023 (part 2) and 2024 (part 1) to be financed from the general budget of the Union

**Action Document for “Building a citizen-oriented, equally accessible, effective, independent and accountable justice system in Honduras”**

**MULTIANNUAL PLAN**

This document constitutes the multiannual work programme within the meaning of Article 110(2) of the Financial Regulation, within the meaning of Article 23 of the NDICI-Global Europe Regulation.

**1 SYNOPSIS**

**1.1 Action Summary Table**

<p><b>1. Title</b> <b>CRIS/OPSYS</b> <b>business reference</b> <b>Basic Act</b></p>	<p>Building a citizen-oriented, equally accessible, effective, independent and accountable justice system in Honduras OPSYS number: ACT-61894 Financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI-Global Europe)</p>
<p><b>2. Team Europe Initiative</b></p>	<p>No</p>
<p><b>3. Zone benefiting from the action</b></p>	<p>The Action shall be carried out in Honduras.</p>
<p><b>4. Programming document</b></p>	<p>Honduras Multiannual Indicative Programme for 2021-2027</p>
<p><b>5. Link with relevant MIP(s) objectives / expected results</b></p>	<p>The Action will contribute to the following 2021-2027 MIP objective: <u>Priority Area 3</u>: Rule of Law and Democratic Governance SO 1: Support national efforts and provide institutional strengthening to guarantee the universal application of the law and protection of human rights, particularly focusing on transparency and the fight against corruption. Result 1: Increased access to an effective and transparent justice system by all citizens.</p>
<p><b>PRIORITY AREAS AND SECTOR INFORMATION</b></p>	
<p><b>6. Priority Area(s), sectors</b></p>	<p>151 – Government and Civil Society 152 – Conflict, Peace and Security</p>
<p><b>7. Sustainable Development Goals (SDGs)</b></p>	<p>Main SDG:  <ul style="list-style-type: none"> <li>• SDG 16 (Peace, justice and strong institutions)</li> </ul>           Other significant SDGs:  <ul style="list-style-type: none"> <li>• SDG 1 (No poverty)</li> </ul> </p>

	<ul style="list-style-type: none"> <li>• SDG 3 (Health and wellbeing)</li> <li>• SDG 4 (Quality education)</li> <li>• SDG 5 (Gender Equality and women empowerment)</li> <li>• SDG 8 (Decent work and economic growth)</li> <li>• SDG 10 (Reduced inequality)</li> <li>• SDG 17 (Partnerships for the goals)</li> </ul>			
<b>8 a) DAC code(s)</b>	15130 - Legal and judicial development – 50% 15150 - Democratic participation and civil society - 20% 15160 - Human rights – 30%			
<b>8 b) Main Delivery Channel</b>	41000 - UN entities 20000 - Non-governmental organisations (NGOs) and civil society			
<b>9. Targets</b>	<input checked="" type="checkbox"/> Migration <input type="checkbox"/> Climate <input checked="" type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input type="checkbox"/> Education <input checked="" type="checkbox"/> Human Rights, Democracy and Governance			
<b>10. Markers (from DAC form)</b>	<b>General policy objective @</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women’s and girl’s empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Nutrition @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Biological diversity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>11. Internal markers and Tags:</b>	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>
Digitalisation @		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		YES	NO	

	digital connectivity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	/
	digital governance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	digital entrepreneurship	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	digital skills/literacy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	digital services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Connectivity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	digital connectivity	YES	NO	/
	energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	health	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	education and research	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Migration @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Reduction of Inequalities @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Covid-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>BUDGET INFORMATION</b>				
<b>12. Amounts concerned</b>	Budget line(s) (article, item): 14.020140 Total estimated cost: EUR 8 900 000 Total amount of EU budget contribution: EUR 8 000 000 This action may be co-financed by the UN Office of the High Commissioner of Human Rights (OHCHR) for an estimated amount of EUR 900 000.			
<b>MANAGEMENT AND IMPLEMENTATION</b>				
<b>13. Type of financing</b>	<b>Indirect management</b> with the Office of the UN High Commissioner for Human Rights (OHCHR) selected in accordance with the criteria set out in section 4.3.1			

## 1.2 Summary of the Action

The lack of access to justice for violations faced by the population is one of the main contributing factors to conflict, insecurity, lack of stability and migration in Honduras. The country's recent history has been characterised by frequent political crises, grand corruption and persistent impunity, resulting in lack of trust and confidence in the justice system.

The change of government in January 2022 resulted in increased political will and a new momentum to address longstanding human rights concerns in Honduras. The new government has prioritised efforts to improve observance of human rights, advance accountability and fight corruption. At the core of all such efforts is the need to strengthen access to justice and the rule of law, for which it has requested more support and technical assistance from the international community. While unresolved structural issues remain an obstacle to significant improvement, there is political opening to address such challenges, including those that limit access to justice and impact the effectiveness of the overall rule of law sector.

Based on the analysis of key actors and problems in the sector, the Action aims to tackle the main challenges for rule of law and people-centred justice, including the limited capacity of justice sector institutions, the lack of adaptation of the normative framework to international standards and the insufficient capacity of the most vulnerable sectors and the wider civil society to make use of the legal system. The Action will put people's needs in justice at the centre and will focus on strengthening the institutional and legal framework and building the

technical legal capacity and knowledge of the national justice and rule of law sector (duty-bearers) to provide an effective, efficient, timely, and gender and intersectional-sensitive public service of justice. It will concurrently seek to legally empower people and build the capacity of segments of the population that face multiple overlapping challenges (rights-holders) to demand justice, reparation and guarantees of non-repetition, including through supporting human rights law firms and civil organisations that provide legal aid.

The proposed implementing partner is the UN Office of the High Commissioner of Human Rights (OHCHR), based on the vulnerable political context and lessons learnt from previous interventions in the sector. Since the creation of its country office in 2015, OHCHR has been able to position itself as a trusted actor for judicial, legislative and executive institutions, even those coming from across the political spectrum. It has a prominent convening role between key stakeholders, often being the only international partner able to bring state institutions with diverging interests around the same table, including civil society and private sector representatives. OHCHR's credibility with key stakeholders, including state institutions, civil society, donors and other members of the international community is crucial to promote structural changes to strengthen the rule of law and accountability for serious human rights violations, while in parallel working with victims to increase access to justice.

EU cooperation with Honduras will be guided by the 2030 Agenda and its Sustainable Development Goals (SDGs) in particular: SDG 1 (No poverty), SDG3 (Health and wellbeing), SDG4 (Quality education), SDG5 (Gender Equality), SDG8 (Decent work and economic growth), SDG10 (Reducing inequalities), SDG16 (Peace justice and strong institutions), SDG17 (Partnerships for the goals), as well as the Action Plan on Gender Equality and Women's Empowerment in External Action 2021–2025 (GAP III), in particular to its thematic areas of engagement "promoting equal participation and leadership" and "ensuring freedom from all forms of gender-based violence", the EU Action Plan on Human Rights and Democracy 2020-2024 and the 2030 Agenda's principle of leaving no one behind.

## 2 RATIONALE

### 2.1 Context

A myriad of factors limit access to justice in Honduras, which is a combination of internal limitations of the justice sector's institutions (the Public Prosecutor's Office and the Judiciary), as well as obstacles exacerbated by the country's more general social challenges. The **justice sector** has historically been characterised by **political interference** and lack of judicial independence and autonomy as demonstrated by weak selection processes for justice officials that do not guarantee the suitability, merit and technical competencies of candidates and effectiveness. The situation is further aggravated by **inadequate resources** for personnel, infrastructure and equipment and **lack of efficiency**, demonstrated in particular by centralisation of jurisdictional and administrative functions, weak judicial career, undue delays in judicial proceedings, poor legal reasoning and legal justification of court sentences, inefficient investigations, deficiencies in the training and awareness of human rights of justice personnel and poor dissemination of legal information. In addition, **existing legislation limits** the full participation of victims of human rights violations in criminal proceedings.

The **security and prison sector** that has been historically under the control of the military, changed direction in March 2022 when the new government took the decision to withdraw the military from the prison system, temporarily transferring the control and management of the penitentiary to the National Police. However, increasing demand of the population for a better response to high rates of homicides and extortions led the Government to return to past practices and adopt **repressive measures** such as multiple States of Emergency, as well as to **increase military intervention** in public security. Such States of Emergency have suspended the rights of personal liberty, freedom of association, assembly and movement and has granted powers to armed and security officers to carry out arrests and searches without a warrant. In addition, in the Penitentiary system, the Government transferred full command and control of the prison system to the Military Police of Public Order (*Policía Militar del Orden Público - PMOP*) (Decree 28-2023), following violent killings of 46 women prisoners in a female prison in Tamara on 20 June 2023. This situation has increased the risks of serious human rights violations against persons deprived of liberty, has reduced judicial guarantees of detainees and has affected disproportionately people in

situation of vulnerability. Structural problems such as persisting overcrowding, lack of access to security, hygiene, health and rehabilitation programmes have not been addressed.

Persons in situation of vulnerability face numerous obstacles to access justice on a basis of equality, linked to a structural context of **discrimination and inequality**, including discriminatory laws, procedural and evidentiary requirements and practices and gender stereotyping. This is compounded by the **limited quality legal aid, advice, and representation** available to such persons. Indigenous peoples and small farmers in Honduras face discrimination, lack of legal knowledge, language barriers and difficulty accessing legal aid services. They often live in areas far from the formal justice system, face conflicts over land and natural resources with powerful actors such as corporations and government entities leading to violence and displacement and are disproportionately impacted by impunity and corruption.

Honduras is the poorest country in Central America and has one of the highest rates of inequality globally. In 2022, 73.6% of the population lived in poverty and 53.7% in extreme poverty. Inequitable access to land, territory and natural resources is one of the main causes of inequality and poverty. It is rooted in various factors, such as insecure land tenure and limited institutional capacity to resolve property rights and the overlap of private and ancestral land titles. This is further compounded by the existence of an economic development model based on extractive industries installed through potentially fraudulent licensing procedures, without the effective participation of local communities or the consent of indigenous and Afro-Honduran peoples, significantly impacting access to economic, social and cultural rights and the protection of the environment. **Lack of access to justice**, in turn **further perpetuates inequality**, particularly due the absence of mechanisms designed to facilitate access for indigenous, afro-Honduran and peasant persons to protect their rights. Compared to previous years, OHCHR registered an increase in mixed migratory movements and an increased presence of families and women with children in migratory routes, taking alternate routes and moving in smaller groups. According to the National Migration Institute, in 2022, 188 858 migrants entered the country irregularly<sup>1</sup>, mostly from Cuba, Venezuela, Ecuador and Haiti. According to the Honduran Consular and Migration Observatory, 88 855 Honduran migrants were returned to the country, the vast majority from Mexico (45 961) and the United States (42 090). Of concern is the overcrowding of shelters due to the significant increase in transit migratory flows, which on occasion makes it impossible for migrants to find refuge. OHCHR recorded that unaccompanied minors, pregnant women and mothers with children, indigenous people and migrants from the LGBTI community are most often exposed to discrimination and violence.

The situation is further exacerbated by a prevailing culture of authoritarianism, violence, corruption and a high degree of impunity. Although Honduras has reduced its homicides rate by half since 2011, its homicides rate remains one of the world's highest with 38.93 cases violent deaths per 100 000 people. Evidence shows that the individuals that are most affected by violence are young women aged between 15 and 24 years (30%) and girls aged between 0 and 19 years (20.6%). Gender-based violence remains very high, with the country reporting the second highest femicide rate in Latin America.

Furthermore, the last National Demographic and Family Health Survey (ENDESA 2011-2012) shows that at least 4% of all Honduran women over the age of 12 years had suffered some kind of sexual abuse or violence during their life. It is estimated that 27% of Honduran women have suffered physical violence at some time in their life after the age of 15 years.

These challenges have a wide impact across all sectors of life in the country. In 2021, Honduras ranked 126th out of 139 countries on the World Justice Project Rule of Law Index in 2021 which measures how the rule of law is experienced and perceived, trailing behind such countries as Uganda, Mozambique and Iran<sup>2</sup>.

The change of Government in January 2022 and the inauguration of President Xiomara Castro resulted in increased political will and a new momentum to address longstanding human rights concerns in Honduras. The new government has made human rights a priority in its agenda and for setting this up the Government has required more support and technical assistance from the international community. While unresolved structural issues remain an obstacle to significant improvement, there is **political opening to address** such challenges, including those that limit access to justice and the impact the **effectiveness of the overall rule of law sector**.

<sup>1</sup> <http://inm.gob.hn/estadisticas.html>

<sup>2</sup> <https://worldjusticeproject.org/rule-of-law-index/country/Honduras>

The new Supreme Court of Justice, which was elected in March 2023 following a lengthy negotiation process between political parties for a period of seven years and the appointment of a new Public Prosecutor and a deputy Public Prosecutor (*fiscal general y fiscal general adjunto del Ministerio Público*) by 1 September 2023 represent an opportunity to strengthen the justice sector. Through a strategic partnership and the provision of technical assistance to the Ministry on Transparency and Fight against Corruption and later the National Congress, the Honduras Office of the UN High Commissioner of Human Rights (OHCHR) played a key role in the drafting, adoption and implementation of a law that introduced a new election model for magistrates to the Supreme Court of Justice. The new model introduces clear selection criteria based on merit, capacity, integrity and suitability, increased transparency and guarantees for women participation. The new electoral model represents a unique opportunity to strengthen judicial independence and the wider rule of law.

More long term, efforts are ongoing for the establishment of a UN co-led international, independent, impartial, and autonomous mechanism against corruption and impunity in Honduras (CICIH for its acronym in Spanish). By strengthening key justice institutions, this Action would contribute to laying the groundwork for the eventual establishment of the anti-corruption mechanism. Based on a Memorandum of Understanding between the United Nations Secretariat and the Government signed in December 2022, in July 2023 a team of UN experts was assigned to Honduras for six months to identify the technical requirements and support preparations for the possible establishment of the international anti-corruption mechanism. The team provides technical assistance to assess national instruments, institutions capacities and legislation; and identify, as well as support, needed reforms for the possible establishment of the mechanism. In parallel to the work of the United Nations team of experts, the United Nations Secretariat and the Government of Honduras continue to negotiate the terms of the bilateral agreement required for the establishment of a mechanism. The mechanism will only come into being when (a) the bilateral agreement enters into force, (b) the United Nations Secretariat and the Government agree in writing on the existence of minimum legal guarantees and requirements for its operation, and (c) an intergovernmental body of the United Nations has granted a mandate.

## 2.2 Problem Analysis

The obstacles and limitations in access to justice in Honduras can be divided along three main axes: (1) weaknesses in the justice sector institutions; (2) lack of adaptation of the normative framework to international justice and human rights standards; and (3) insufficient capacity of civil society and the most vulnerable population groups to make use of the legal system.

While both the criminal justice system and civil justice system in Honduras face significant challenges and are important for ensuring access to justice and protecting the rights of individuals, support to the criminal justice system will be the main focus of the Action, in particular because of its important consequences upholding the fundamental rights of vulnerable populations, its inherent complexity, need for resources and its impact on public safety, displacement and migration.

### 1. Weaknesses in the justice sector institutions

The justice system faces structural barriers and systemic problems that limit access to justice. One of the main challenges is the **lack of judicial independence** due to different factors, such as the lack of an appropriate legal framework on the judicial service and a lack of an independent governance structure for the judiciary (Judicial Service Council), which opens space for interference by the executive and legislative power.<sup>3</sup> Following their respective visits to Honduras in 2019, the UN Special Rapporteur on Judicial Independence and the Interamerican Commission of Human Rights, pointed out to the **problem of a “selective justice”** or a system where courts and judges most often act with delay and do not offer an effective response to human rights violations, however they act effectively and decisively in defense of strong stakeholder interests, such as those of political actors or large companies. The justice system, in particular at the sub-national level, is often subjected to intimidation, corruption, and politicisation by influential stakeholders. The lack of internal control and oversight of judges and other justice servers who may have incurred in crimes, such as bribery, is particularly concerning. This impacts negatively the

<sup>3</sup> Annual reports of the UN High Commissioner for Human Rights on the human rights situation in Honduras and reports of the UN Human Rights Council.

right to a fair trial. In addition, the COVID-19 pandemic deepened structural problems, such as unjustified delays in judicial processes and reduced publicity of hearings, problems that persist at the same level to date. Institutional weakness coupled with pervasive corruption – in an all-time low Honduras ranks 157 out of 180 countries in the 2020 Corruption Perception Index–, continue to cripple governance and to widen the gap between government and civil society,<sup>4</sup>

The **Public Prosecutor’s Office** faces significant challenges related to **material and human capacity** to investigate, prosecute and bring to judgment cases, particularly in cases of human rights violations perpetrated by the military and other security forces. Serious human rights violations, such as enforced disappearances, extrajudicial executions and torture committed in the context of the national security doctrine of the eighties, the 2009 coup d’état and 2017 post-electoral crisis have remained in total impunity. Investigation capacities present serious weaknesses, related to a lack of specialisation and appropriate training of prosecutors, poor working conditions and insufficient capacities to produce, interpret and use scientific evidence, among others. The **Forensic Medicine Directorate** (*Dirección de Medicina Forense*) remains part of the Public Prosecutor’s Office, contrary to international standards. In addition, prosecutors often face difficulties working and coordinating with police investigators, which are part of the National Police, which negatively impacts the timeliness and quality of investigations. The **Police Investigation Directorate** (*Dirección Policial de Investigaciones - DPI*) has high level staff turnover and investigators lack specialisation, particularly on gender-based violence, LGBTIQ+ and rights of human rights defenders, further contributing to the high levels of impunity.

Another important challenge is **the limited participation of victims in criminal proceedings**. In particular, legal representatives of victims have difficulties to intervene during the investigation stage, limiting the possibility to contribute to investigations and have timely access to information. Victims often have difficulties lodging a complaint to the Public Prosecutors Office or the Police, including due to general distrust in both institutions.

**The lack of protection for justice operators** (judges, prosecutors, lawyers, etc.) who are at risk of murder, threats, intimidation and interference is an important factor that affects their work and limits their independence and impartiality. Such factors have negatively impacted the levels of trust by the population in the justice system.

Finally, the **penitentiary system** faces structural problems, such as overcrowding, related among others factors to the high number of persons in pre-trial detention (around 50% of the penitentiary population), procedural delays and lack of public defense capacities to follow the situation of each detainee. The elevated number of prisoners who could benefit of an early release and cannot access because of the lack of legal counseling services is particularly worrisome. The penitentiary system retains a punitive approach and has not been able to initiate its transform towards rehabilitation and social reintegration. The decision taken by President Castro in June 2023 to return the management and control of prisons under the military police increased the risk of the use of excessive use of force and ill-treatment against prisoners, as well as the negatively impacted prison living conditions such as hygiene, quality and availability of water, lack of food, limited sleeping arrangements, lack of access to health care and prolonged detention in cells with no access to natural light and ventilated air.

## **2. Lack of adaptation of the normative framework to international human rights standards**

As part of the nine-core international human rights conventions, Honduras is bound to the recommendations of the respective treaty mechanism, including those specifically relevant to fair trial and access to justice (particularly for women and human rights defenders). The Inter-American Court of Human Rights has also issued several sentences with specific recommendations for strengthening the justice system in Honduras, most of which are still pending implementation.

**Existing legislation does not fully comply with international human rights standards**, regarding victims’ rights, protection of women against gender-based violence and investigation capacities on corruption. In the Honduran criminal process, the victim has the right to participate directly in the process through a “private prosecutor” starting from the initial hearing, while the General Prosecutor's Office oversees the investigation and the prosecution. However, the participation of victim’s private prosecutor is denied during the investigation process, impacting negatively the right of victims to be informed on the whereabouts of the investigation that is

<sup>4</sup> MIP Honduras

crucial to ensure the protection of the victims' interests during the judicial process. In addition, despite high-levels of violent killings of women in the country (299 violent deaths in 2022), there is a lack of integral legislation on violence against women, intrafamily violence, homicides, domestic violence and rape that allows an effective prosecution, judgement and sanction of femicides and other forms of violence against women and girls such as trafficking, violence against women and girls in places of detention, in educational and work centres, in public spaces, violence in courtship, violence against women and girls in contexts with a high presence of gangs; however, quantitative information on this is limited.

Congress is still pending to approve the law on the functioning of shelters for victims of gender-based violence presented in 2018. Finally, reforms made in 2020 and 2021 to the criminal code represented a major backward step for the investigation of organised crime, money laundering and drug trafficking. Some of these reforms were abrogated recently, however there are still other decrees that need to be abrogated, in view of the installation of an International Commission against Impunity (CICIH for its acronym in Spanish) in the country.

In this framework, the Executive power also has an important role to play in promoting access to justice through a policy or a national plan. The Ministry of Governance and Justice (*Secretaría de Gobernación, Justicia y Descentralización*), is **yet to adopt a National Plan** for improving the coordination from the local to the national level on extrajudicial conflict resolution mechanisms, the promotion of the application of alternative methods of justice, the improvement of information of victims on their rights within the formal justice system and the improvement of the coordination with civil society organisations that work on access to justice in particular of women, indigenous people, LGTBIQ persons, human rights defenders among others. Historically, there has been a **lack of coordination of main stakeholders** at the national and local level that are relevant to address obstacles on access to justice for the population. To date, the Ministry of Governance and Justice and Supreme Court of Justice have had limited communication and coordination of key actions. There is also a lack of a mutual understanding on main needs of different sectors of the population, in the different regions in the country, to adopt inter-institutional policies and strategic actions to tackle structural causes of violence.

It remains critical to work closely with the judiciary, especially with the **Constitutional Chamber of the Supreme Court of Justice**. This Chamber is responsible for upholding and interpreting the constitution, ensuring that laws and policies align with constitutional principles, it reviews laws, executive actions, and judicial decisions to determine their constitutionality, including issues that disproportionately affect access to justice, such as discriminatory practices, violations of due process, or unequal treatment. This Chamber has the responsibility to resolve *amparos* (legal protection proceedings), actions of unconstitutionality, habeas corpus requests, among other functions, that are key to ensure legality and human rights protection. It sets precedent-setting or landmark decisions that can facilitate access to justice and promote the protection of rights of persons in situation of vulnerability. Finally, its work can also enhance court processes, promoting transparency, addressing inefficiencies and strengthening the independence and integrity of the judiciary. However, this Chamber has suffered from unjustified delays in resolving legal remedies and has demonstrated a lack of knowledge of international human rights standards when arguing its resolutions. In addition to the Constitutional Chamber, the Action will also work closely with the **Criminal, Civil and Administrative Chambers of the Supreme Court of Justice**, who also are in need of improving the application of international obligations on human rights issues, in their resolutions. The strengthening of their technical knowledge as well as of their independence will contribute to fight against impunity.

### **3. Insufficient capacity of civil society and the most vulnerable sectors to make use of the legal system**

Persons in situation of vulnerability face numerous obstacles to access justice on a basis of equality, linked to a structural context of discrimination and inequality, including discriminatory laws, procedural and evidentiary requirements and practices and gender stereotyping. This is compounded by the limited quality legal aid, advice, and representation available to such persons, in addition to the absence of complementary services, such as psycho-social support. In 2021, Honduras ranked 126th out of 139 countries on the World Justice Project Rule of Law Index in 2021 which measures how the rule of law is experienced and perceived.

In Honduras, there are **civil society organisations that have created legal units to support victims**, and private bar associations specialised on human rights issues. They have become key to represent victims in legal processes and improve possibilities of access to justice. However, these organisations also have limited capacities to use international access to justice and human rights standards, as well as face challenges to ensure the sustainability of their efforts. It is important that their services include an integral support to victims, not only during judicial proceedings, but also wider, to ensure reparation, psycho- social support and empowerment.

The Action therefore foresees to **strengthen strategic litigation** as a way for a deliberate and purposeful use of legal interventions **to achieve broader systemic change** beyond the immediate outcome of the individual cases it supports. This will be done by carefully selecting emblematic cases that have the potential to set legal precedents in priority themes, challenge discriminatory laws, policies and practices, and advance access to justice and human rights, contributing to truth and reparation for victims and communities. Work on such cases, to be supported in close coordination and with support of human rights legal firms, will aim to set legal precedents through landmark court decisions, with transformative effect on the interpretation and application of laws, creating a legal framework that is more favourable to the protection of human rights and access to justice. It will amplify the voices of traditionally marginalised communities and persons in situation of vulnerability, empowering them to assert their rights and challenge discriminatory practices. The Action will seek to **provide comprehensive support** in such emblematic cases, going beyond legal support only. This would also include support for psycho-social and awareness raising efforts that increase the overall capacity of victims to participate in legal proceedings. Such comprehensive strategic litigation and support will be provided in close coordination with legal practitioners, civil society organisations and affected communities, fostering networks of support, enhancing knowledge sharing, and building coalitions between civil society actors that advocate for access to justice and human rights.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the Action:

1. State institutions, in particular:
  - a. National Congress
  - b. Judiciary, including the Supreme Court of Justice
  - c. Public Prosecutor's Office
  - d. Ministry of Justice
  - e. Ministry of Security and the National Police
  - f. Penitentiary System
2. National Human Rights Institutions: the National Human Rights Commissioner (CONADEH) and the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment (CONAPREV)
3. Civil society, in particular:
  - a. Local communities, particularly peasant, indigenous and afro-Honduran communities
  - b. Civil society organisations, including women, LGBTIQ+ organisations, organisations working with people on the move
  - c. Non-governmental human rights organisations
  - d. Victims' associations
4. Professional organisations (such as pro-bono legal organisations), national and international substantive experts
5. International organisations, diplomatic corps, cooperation agencies present in Honduras
6. Private sector

As rights-bearers, state institutions carry the responsibility to protect, respect, and fulfil the rights of the Honduras population. The National Congress, Judiciary and the Government play a central role in ensuring access to justice through their corresponding mandates to **adopt a legal framework** that guarantees and facilitates access to justice, to interpret such laws and adjudicate accordingly, or to **ensure the effective implementation** of such laws, respectively. The Action foresees extensive technical support to state institutions, in order to increase their capacity to protect, respect and fulfil the rights of the population, with focus on access to justice. Targeted support will also be provided to CONADEH, given its independence from the Government and its mandate to ensure that the rights

of all individuals are respected and upheld by both state and non-state actors, as well as to CONAPREV given its mandate to contribute to the prevention of torture and observance of the rights of persons deprived of liberty.

Civil society, including local communities, non-governmental human rights organisations and victims associations plays a crucial role in **promoting access to justice** in Honduras, especially for marginalised and vulnerable populations. They often serve as advocates for victims, raise awareness of human rights violations, provide legal support and assistance and advocate for policy reforms that prioritise access to justice. The Action foresees targeted technical support to civil society and associated organisations and groups, in order to build their capacity to engage with the State, as well as to provide services and support to victims that enables them to engage with the criminal justice system.

Professional organisations (such as pro-bono legal organisations) offer legal services to individuals who cannot afford **legal representation**, bridging the justice gap for those with limited financial means, while national and international substantive experts provide **specialised knowledge and expertise**, contributing to the development of legal strategies, precedents, and best practices. The Action will engage with both, to ensure that the required expertise is made available to both the State and victims, as well as that in emblematic cases victims have access to legal services.

International organisations, diplomatic corps, cooperation agencies present in the country have a critical role in supporting efforts to improve access to justice, by providing **political backing, financial and technical assistance** to strengthen the justice sector. The Action will engage in partnerships and collaborations with these entities to ensure coherence of support and a more robust and inclusive justice system that addresses the needs of the population.

The private sector will also be engaged through the Action, including to build awareness of responsible business practices and the link between **business and human rights**.

### 3 DESCRIPTION OF THE ACTION

#### 3.1 Objectives and Expected Outputs

The **Overall Objective** of this Action is to improve access to justice for all to guarantee human rights enforcement in Honduras.

The **Specific Objectives** of this Action are to:

1. Improve the efficiency, effectiveness, and independence of the **justice institutions and mechanisms** at national and lower levels related to guaranteeing access to justice in line with human rights international standards.
2. Increase use of access to justice, legal protection and mechanisms for claiming rights by **victims and civil society organisations**.

The **Outputs** to be delivered by this Action contributing to the corresponding Specific Objectives are:

Contributing to **Outcome 1** (or Specific Objective 1):

- 1.1. Increased technical and interinstitutional capacities to design **laws, regulations and policies** guiding judicial and administrative proceedings pertinent to human rights.
- 1.2. Improved **capacities of the criminal justice system** in investigation, prosecution and adjudication/sentencing of crimes and human rights violations.
- 1.3. Improved **capacities of relevant state actors** to facilitate access to adequate justice services to persons in vulnerable situations, including people on the move and victims of gender-based violence.

Contributing to **Outcome 2** (or Specific Objective 2):

- 2.1. Increased **capacities of civil society actors and victims** to demand and advocate access to justice with key state institutions.

- 2.2 Improved **strategic litigation**, availability of legal aid and coordinated comprehensive services (psychosocial support, truth, and reparation systems) for victims in emblematic cases of human rights violations.

## 3.2 Indicative Activities

### **Activities relating to Output 1.1**

#### **Improved constitutional, legal, regulatory, and institutional frameworks guiding judicial and administrative proceedings.**

- 1.1.1. Support the National Congress in developing legislative initiatives including to strengthen the judicial service, independence and access to justice.
- 1.1.2. Strengthen criminal investigation and prosecution strategy of the Public Prosecutor (*Ministerio Público*), guided by human rights considerations, including through the development of key investigation protocols.
- 1.1.3. Support to the Judiciary, including the Constitutional Chamber to strengthen internal policies in line with human rights standards.
- 1.1.4. Provide the Executive with strategic and technical support to initiatives that seek to bring justice closer to the populations, including through the development of a National Plan on access to justice.
- 1.1.5. Support with capacity building programmes for the Security and Penitentiary institutions to adopt internal policies, plans or protocols in line with international standards and best practices.

### **Activities relating to Output 1.2**

#### **Improved capacities of the criminal justice system to strengthen investigation, prosecution and adjudication of crimes and human rights violations.**

- 1.2.1 Promote adoption of best practices between state institutions, human rights mechanisms, and civil society to address specific prison thematic issues, such as punitive criminal justice policies, prolonged pre-trial detention, absence of rehabilitation and social reintegration initiatives.
- 1.2.2 Promote inter-institutional coordination and integrated approach between the Justice System, security and penitentiary institutions.
- 1.2.3 Provide technical support to the Judiciary, Public Prosecutor, penitentiary institutions, National Police, national human rights institutions to improve investigation, prosecution and adjudication capacities.
- 1.2.4 Provide technical assistance for the development of an internal criminal prosecution strategy, guided by human rights considerations.
- 1.2.5 Implement multi-actor know-how, networks and public fora on the inclusion on judicial independence and access to justice.

### **Activities relating to Output 1.3**

#### **Improved capacities of relevant state actors to facilitate access to adequate justice services to persons in vulnerable situations, including people on the move.**

- 1.3.1 Support the National Congress with technical expertise to advance key legislative initiatives or reforms to increase access of justice for persons in situation of vulnerability, based on a participatory approach.
- 1.3.2 Provision of technical assistance to build the capacities of the Judiciary, at the national and lower levels, on access to justice and human rights priority issues, such as gender-based violence, indigenous peoples, people on the move, environmental crimes, and land conflicts, human rights defenders, among others.
- 1.3.3 Implement capacity building programmes with human rights institutions and service providers to increase victims support and access to justice.
- 1.3.4 Provide the Executive with strategic and technical support to initiatives that seek to bring justice closer to the populations, particularly those in vulnerable situations, such as culturally appropriate extrajudicial dispute resolution mechanisms.

- 1.3.5 Provide critical targeted technical assistance to prosecutors to enable investigation in specific emblematic cases, guided by human rights considerations and facilitating victims' participation.
- 1.3.6 Provision of comprehensive technical assistance towards the resolution of conflicts related to land, territory, and the environment through increased access to justice for victims and their protection.

### **Activities relating to Output 2.1**

#### **Increased capacities of civil society and victims to demand and advocate access to justice with key state institutions.**

- 2.1.1. Support civil society participation, analysis and advocacy in legal reforms aiming to increase access to justice for populations in situation of vulnerability.
- 2.1.2. Facilitate international exchanges of experiences between civil society actors to develop advocacy strategies with State authorities and other relevant stakeholders.
- 2.1.3. Capacity building programmes for specialised civil society organisations, such as people on the move, women's rights, LGBTIQ+ persons, victims of serious human rights violations and corruption, indigenous population rights, persons deprived of their liberty to advocate for human rights compliance within the security and justice system.
- 2.1.4. Facilitate coordination between public defenders and lawyers with the penitentiary system and justice system to increase the protection of rights of detainees.
- 2.1.5. Facilitate coordination between, and provide technical assistance and advice to, legal representatives, prosecutors, and other service providers (e.g., mental health services, legal aid, security, among other) in order to devise a referral system that increases the availability of integral support to victims in criminal justice processes.

### **Activities relating to Output 2.2**

#### **Improved strategic litigation, availability of legal aid and coordinated comprehensive services (psycho-social support, truth and reparation systems) for victims in emblematic cases of human rights violations.**

- 2.2.1. Provide technical assistance to civil society organisations and human rights lawyers for strategic litigation in emblematic cases, generating relevant jurisprudence that advances access to justice and the protection of persons in situation of vulnerability.
- 2.2.2. Increase the availability of victim-centred and integral legal aid for victims of human rights violations during judicial processes (legal, psycho-social, and awareness raising support through the provision of technical and other support to human rights firms).
- 2.2.3. Facilitate dialogue between legal aid providers, justice officials and/or civil society representatives on strategic litigation experiences to promote human rights and access to justice, with focus on cases impacting persons in situation of vulnerability.

## 3.3 Mainstreaming

### **Environmental Protection & Climate Change**

The Action will not focus on environmentally sensitive sectors (i.e. to agriculture, rural development and food security; energy; water and sanitation; infrastructure; transport; private sector development; or natural resources management) and thus it **does not require a SEA**. All activities foreseen under the Action fall under Category C interventions for which an **EIA is not required**. A CRA questionnaire was applied, indicating that the Action is at low or no risk from climate change, and that thus a **full CRA is not necessary**.

The Action will take into account environmental and climate considerations for the implementation of its activities, including limiting the number of representatives in air travel to the minimum necessary, increased use of the virtual and/or hybrid modality of work, and selecting near locations for regional events. In terms of land travel, planning for car travel reflects such considerations as using the same travel for multiple substantive purposes, as well as using a relatively new and well maintained car fleet, thus reducing car petrol consumption and impact on the environment.

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### **Gender equality and empowerment of women and girls**

As per OECD Gender DAC codes identified in section 1.1, this Action is labelled as G1. This implies that the Action focuses on promoting the rights of women by facilitating their access to justice, participation in legislative and legal proceedings, consultation and inclusion at decision-making levels. The Action will further streamline gender considerations in the creation of gender-sensitive laws and guidelines for key justice institutions, as well as promoting the development of dedicated protocols for the investigation and prosecution of sexual and gender-based violence and femicides. Interventions will endeavour to include equal number of women beneficiaries, and relevant data will be disaggregated by gender.

Gender equality is a fundamental priority of the EU and as such it will be mainstreamed around all the policy objectives above. A Rights Based Approach will also be applied to all the areas of intervention. Actions focusing on the protection and participation of women and girls in the post ETA/IOTA recovery should be prioritized. Special focus will be paid on supporting the country's efforts to make progress in achieving SDG 5.<sup>5</sup>

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### **Human Rights**

The Action will mainstream human rights and it will be implemented through a human-rights based approach, taking into consideration the recommendations of the Universal Periodic Review of Honduras, observations issued by UN treaty bodies and special mechanisms of the UN human rights system, and the SDGs. The Action will respect the five human rights-based approach principles: respect to all human rights, participation, accountability, transparency, and non-discrimination.

Victims of human rights abuses will be empowered to seek remedies for injustices at the end of the Action, with a particular focus on persons in a vulnerable situation (women, human rights and environmental defenders, LGBTIQ+ persons, persons deprived of liberty, persons with disabilities, indigenous and afro-Honduran population, people on the move). General human rights compliance and do no harm approaches of the Action will be integrated and monitored, as well as conflict prevention effectiveness.

As part of the programming of the MIP 2021-2027, it has been defined that the promotion of gender equality and the empowerment of women will be a cross-cutting axis in the prioritized sectors and in the political dialogue as defined in the current Country Human Rights and Democracy Strategy.<sup>6</sup>

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### **Disability**

As per OECD Disability DAC codes identified in section 1.1, this Action is labelled as D1 as inclusion of persons with disabilities (PwD) is a significant objective of the Action. This implies that persons with disabilities will benefit from the Action as it focuses on providing access to justice for all, recognising intersectionality and integrating disability considerations, alongside other considerations, in key relevant activities, including for example in policy and legal reform and provision of integral services.

The Action will ensure that rights of persons with disabilities will be respected, and the planned activities related with formulation of projects, evaluations and others are disability inclusive. The Action will encourage partners and programme participants to take the initiatives to protect persons with disabilities and invite organizations representing people with disabilities.

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### **Reduction of inequalities**

The present Action will directly contribute to addressing the structural causes of inequality by facilitating access to justice for the most impacted population and the creation of appropriate mechanisms to redress some of the longstanding conflicts that contribute to inequality.

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### **Democracy**

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<sup>5</sup> MIP Honduras (2021-2027)

<sup>6</sup> CLIP Honduras

Equal access to justice for all is a constituent element of democracy and rule of law. This Action aims to empower individuals to meaningfully participate in the legal decisions and processes that affect their lives and by extension, the democratic process. Equal access to justice for all is a constituent element of democracy and the rule of law. The present action aims to ensure increased access to justice, particularly for persons in situations of vulnerability, increasing their ability to access legal remedies, participate in legislative and legal proceedings regardless of their social, economic or other status, contributing to the protection of their rights, increasing accountability and transparency, promoting civic participation, and thus strengthening democracy.

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**Conflict sensitivity, peace and resilience**

In Honduras, social and environmental conflicts related to land and territory, alongside agrarian conflicts, have a strong negative impact on human rights and security, destabilise the country, and contribute directly to violence, displacement and migration. Inequitable access to land, territory and natural resources is one of the main causes of inequality and poverty. It is rooted in various factors, such as insecure land tenure and limited institutional capacity to resolve property rights and the overlap of private and ancestral land titles. Such conflict has disproportionate negative impact on persons in situation of vulnerability, particularly indigenous and afro-Honduran peoples and peasant persons. The present Action will directly support the implementation of activities to ensure conflict prevention and mitigation, including through increasing the availability and strengthening of justice and other mechanisms to address conflict, and building the capacity and facilitating access of victims to such mechanisms.

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**Disaster Risk Reduction**

The Action is not considered relevant regarding disaster risk reduction.

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**Other considerations if relevant**

Not applicable.

**3.4 Risks and Lessons Learnt**

<b>Category</b>	<b>Risks</b>	<b>Likelihood (High/ Medium/ Low)</b>	<b>Impact (High/ Medium/ Low)</b>	<b>Mitigating measures</b>
<b>Political</b>	Changes in political will following elections which can lead to delays or modification of planned activities.	High	High	This risk will be mitigated through continued analysis of evolving political context followed up with proactive engagement with high-level strategic partners and stakeholders.
<b>Political</b>	Lack of institutional capacities and high turnover within institutions.	High	High	Throughout the Action, a continuous capacity building plan is foreseen to strengthen institutional capacities.
<b>External environment</b>	Delay of Action activities due to political instability and polarisation, which will continue to be a concern for 2023-2026, as evidenced by recent	High	High	Political and institutional risks will be mitigated through continued analysis of evolving political context followed up with proactive engagement with high-level strategic partners and stakeholders.

	developments including the Government's Fight against Extortion policy and the associated State of Emergency introduced in December 2022.			The Steering Committee of the Action will also include high level representatives from relevant partner institutions and will provide an effective platform for political dialogue.
<b>External environment</b>	The combination of political distrust, insufficient economic opportunities, delayed anti-corruption measures and persistent extortion and homicides by organised crime groups contribute to wider social unrests and reduce political opportunities, which could negatively affect the willingness of key stakeholders of the Action to engage in dialogue and cooperation.	Medium	High	Early warning/early action and prevention system and risk analyses of the UN System and other international actors will be taken into account to mitigate the impact of these risks. The Action will aim to ensure that human rights are at the heart of the state response to such social crises.
<b>External environment</b>	The effects of climate change can trigger internal displacement, migration and impact on the livelihoods and rights of specific communities that are dependent of subsistence agriculture, increasing inequality, poverty and conflict, affecting the implementation of the Action.	Medium	Medium	OHCHR will coordinate the elaboration and implementation of contingency and response plans within the framework of the UN Humanitarian Response Plan and protection cluster.
<b>People and organisation</b>	Ongoing administrative and financial reforms across the UN System may impact the implementation of OHCHR operations	Low	Low	OHCHR will expedite and progressively increase the implementation of delegation of financial and administrative authority to OHCHR Honduras. Intensive training of staff directly involved in the operation will be carried out to facilitate their adaptation to the operation.

**Lessons Learnt:**

Political, economic, social and human rights challenges are compound risks that Honduras had to face over the past few years. It has led to important lessons learned and best practices. A key EU programme in this sector was Eurojusticia with an EU contribution of EUR 27.5 million launched in 2013 for a period of 72 months. It was managed through two modalities: EUR 19 million through programme estimates and EUR 8.5 through delegated cooperation with AECID. The programme focused on three key results: (i) Strengthened capacities of the justice

and security institutions to prosecute and punish both corruption and violent crime; (ii) Improved access to justice for vulnerable groups (including social and ethnic minorities), by improving service delivery and the management of justice and (iii) Enhanced mechanisms for the internal and external control and audit of justice and security institutions.

The final results of the programme were considered unsatisfactory because although the programme was focused on issues of clear relevance in the national context, the programme's design was based on an insufficient diagnosis and mapping of actors. The programme also had insufficient management structures, planning and coordination with other initiatives in the sector, which led to duplication of efforts, too heavy reliance on donations of equipment and infrastructure and selection of activities that did not sufficiently take into account the limited human and financial capacities of the beneficiary institutions. As a result, the activities for the most part failed to transform into outputs and outcomes. A key factor contributing to these deficiencies of the programme was related to the high degree of tension and distrust between the key stakeholders responsible for implementing the action. Key elements of good practices from the programme included exchanges of regional know-how, knowledge transfer and development of local capacities of the institutional stakeholders, as well as support to civil society actors to promote access to justice from bottom-up.<sup>7</sup>

The Action closely takes into account the lessons learnt from the Eurojusticia programme. In particular, in relation to political buy-in, the change of Government in January 2022 resulted in a significant new momentum to address longstanding human rights concerns and structural barriers to access to justice. The new Government has made human rights a priority in its agenda and for setting this up the Government has explicitly requested support and technical assistance of the OHCHR. The OHCHR acted decisively, quickly and strategically to this request, which currently offers the best window for interventions to improve the human rights situation in Honduras, including access to justice. In this context, the **OHCHR plays an active convening role** between key stakeholders, often being the only international partner able to bring state institutions with diverging interests around the same table, including civil society and private sector representatives. OHCHR's credibility with key stakeholders, including state institutions, civil society, donors and other members of the international community has been crucial to promote structural changes to strengthen the rule of law and accountability for serious human rights violations, while in parallel working with victims to increase access to justice. OHCHR has become a trusted actor for judicial, legislative and executive institutions, even those coming from across the political spectrum. Partnerships of trust have been established with the Public Prosecutor's Office and the Supreme Court of Justice, as well as strong alliances built with the Congress and the relevant Ministers and other high-level authorities.

Furthermore, the key lessons learned from the implementation of the Eurojusticia programme were taken into account during the preparation of the current Action. The Action is based on **extensive diagnosis of the situation and mapping of key actors**, both state institutions and others, including their capacity, that OHCHR maintains constantly updated as part of its country engagement strategy. OHCHR already has an established relationship of technical cooperation and coordination with such players. As example, in 2022 and 2023, upon request of the State, OHCHR provided key technical support for the development, adoption and implementation of a new legal framework for the selection of the Supreme Court of Justice, resulting in an unprecedented transparent selection of 15 new magistrates, of which eight, including the President of the Court, were women. OHCHR is currently providing similar support for the selection of the new Chief Public Prosecutor and their Deputy, alongside other support provided to the Attorney General's Office within the framework of a technical cooperation Memorandum of Understanding signed with this institution. When devising such interventions, OHCHR has consistently taken into account both the **implementation and absorption capacities** of the beneficiary institutions and has adjusted the type of support accordingly. The Action builds upon existing OHCHR approaches, including on the importance of exchange of regional best practices, which OHCHR has used as a key tool to facilitate progress to date. Targeted exchange of regional practices, including with countries that face similar challenges have been integrated into the Action. Finally, the Action recognizes the **key role of civil society organisations**, which, despite risks and limited resources, have been at the forefront promoting the need for accountability and access to justice for serious violation. The Action foresees interventions to build the capacity and sustainability of civil society organizations,

<sup>7</sup> General conclusion of the Final evaluation of the programme "Promoting fast and accessible justice in Honduras - EUROJUSTICIA" (LA/2013/023-720)" - Contract No. 2019/407052.

as well as to foster space and opportunities for exchange and coordination between such organization and state institutions. In terms of **management structures**, OHCHR-Honduras counts with 44 personnel, headed by a Resident Representative, Deputy and a Programme Management Officer (Head of Programmes and Operations). Its Rule of Law team counts with a Coordinator, and in addition, a dedicated Project Manager for the Action is also likely to be recruited. In addition, OHCHR-Honduras has a coordinated intervention strategy that includes access to justice and wider rule of law initiatives, going beyond to development, economic, social and cultural rights, non-discrimination, civic space and participation, and early warning/early action. This will ensure that interventions under the present Action are coordinated and mutually reinforcing with other interventions in the sector and more broadly, avoiding duplication and contradictory efforts.

### 3.5 The Intervention Logic

The Action aims to tackle the main rule of law and justice challenges identified in the problem analysis, including the limited capacity of justice sector institutions, the lack of adaptation of the normative framework to international standards, and the insufficient capacity of the most vulnerable sectors and the wider civil society to make use of the legal system, through the following intervention logic:

*IF* the planned Action activities are undertaken *AND* the identified assumptions hold true, *THEN* the constitutional, legal and regulatory framework for judicial and administrative proceedings will be brought closer to international justice and human rights standards, the capacities of the criminal justice system will be improved and access to adequate justice services will be made available to persons in vulnerable situation, including with a gender and inter-sectional perspective, especially indigenous and afro-Honduran peoples, LGBTIQ+, persons with disabilities and people on the move. Furthermore, civil society organisations and victims will have increased capacity to demand and advocate for access to justice with key state institutions and victims will have access to legal aid and comprehensive services.

*IF* these Outputs are delivered *AND* the assumptions such as State authorities have continued political will to advance the rule of law, pursue accountability in line with international standards, civil society organizations are able to continue working independently, and both remain open to receive OHCHR technical support and assistance hold true, *THEN* the efficiency, effectiveness and independence of the justice system will be improved and aligned more closely with international standards, and victims and civil society will be increasingly able to access justice, legal protection and claim their rights, including environmental rights, *BECAUSE* interventions that seek to concurrently build the capacity of State institutions on one side and of civil society and victims on the other through comprehensive and complementary interventions, while seeking to generate coordination spaces between the two, have generated similar desired impact in other contexts and are already generating similar impact on a more limited scale in the country.

*IF* the Outcomes are achieved *AND* the assumptions such as continued political and institutional stability, absence of large scale disruptions, continued high level political will to work on rule of law and impunity, as well as continued willingness to cooperate with the project and OHCHR hold true, *THEN* the action will contribute to strengthening the rule of law, improving access to justice and the respect and guarantee of human rights in Honduras, including for persons in situation of vulnerability. This is *BECAUSE* the project contributes to the implementation of the comprehensive country engagement strategy of OHCHR, alongside the wider UN Human Rights system, in line with the SDG and the UN Development Cooperation Framework with Honduras, particularly those relating to the rule of law.

### 3.6 Logical Framework Matrix

This indicative logframe constitutes the basis for the monitoring, reporting and evaluation of the intervention.

On the basis of this logframe matrix, a more detailed logframe (or several) may be developed at contracting stage. In case baselines and targets are not available for the action, they should be informed for each indicator at signature of the contract(s) linked to this AD, or in the first progress report at the latest. New columns may be added to set intermediary targets (milestones) for the Output and Outcome indicators whenever it is relevant.

- At inception, the first progress report should include the complete logframe (e.g. including baselines/targets).
- Progress reports should provide an updated logframe with current values for each indicator.
- The final report should enclose the logframe with baseline and final values for each indicator.

The indicative logical framework matrix may evolve during the lifetime of the action depending on the different implementation modalities of this action.

The activities, the expected Outputs and related indicators, targets and baselines included in the logframe matrix may be updated during the implementation of the action, no amendment being required to the Financing Decision.

PROJECT MODALITY (3 levels of results / indicators / Source of Data / Assumptions - no activities)

Results	Results chain (@): Main expected results (maximum 10)	Indicators (@): (at least one indicator per expected result)	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
<b>Impact</b>	To improve access to justice for all to guarantee human rights enforcement in Honduras during 2023 to 2026.	1. Honduras' ranking in the Freedom in the world index (Rule of Law Sub-factor)*	1. Baseline: 48/100 (2023)	1. Target: to be established in the inception phase	1. Freedom House Index, Rule of Law Sub-factor ( <a href="https://freedomhouse.org/country/honduras/freedom-world/2023">https://freedomhouse.org/country/honduras/freedom-world/2023</a> )	<i>Not applicable</i>
<b>Outcome 1</b>	1. Improve the efficiency, effectiveness, and independence of the justice institutions and mechanisms at national and lower levels related to guaranteeing access to justice in line with human rights international standards.	1.1 Number of new tools and decisions adopted by Honduran authorities, including the justice system, that facilitate access to justice or incorporate international justice and human rights standards.  1.2 Level of citizen confidence (disaggregated by sex) in the functioning of security and justice institutions.	1.1: Baseline: 0/year 0  1.2: Baseline: 0/year 0	1.1: Target: 6/year 4  1.2: Target: To be established in the inception phase	1.1 Baseline, mid-term and end line studies conducted and budgeted by the EU-funded intervention.  1.2 Baseline, mid-term and end line studies conducted and budgeted by the EU-funded intervention.	Continued political and institutional stability, including a peaceful 2025 elections cycle, and continued willingness of present and future administrations to cooperate with the project.  Absence of larger scale natural disasters and other events that disrupt the

		1.3. Number of legislative actions taken in Honduras to ensure survivors of gender-based violence can access justice. (Thematic area 1.) OC1 GAP III key thematic outcome indicators.	1.3: Baseline: 0/year 0	1.3: Target: 1 /year 3	1.3 Summary documents outlining the content and status of the respective legislative actions	implementation of the project.
<b>Outcome 2</b>	2. Increase the use of access to justice, legal protection and mechanisms for claiming rights by victims and civil society organisations	2.1 Perception score of victims supported by the EU-funded intervention of their effectiveness in overcoming barriers in accessing the justice system.  2.2 Number of people directly benefiting from legal aid interventions supported by the EU (GERF 2.25)	2.1: Baseline: To be established in the inception phase  2.2: Baseline: To be established in the inception phase	2.1. Target: To be established in the inception phase  2.2 Target: To be established in the inception phase	2.1 Baseline; mid-term and endline studies conducted and budgeted by the EU-funded intervention.  2.2 Case records and other legal documents of the legal aid provided for the victims and civil society organizations	Civil society organizations are willing to increase their capacity and work along identifying victims of human rights violations to provide them with legal aid
<b>Output 1 relating to Outcome 1</b>	1.1 Increased technical and Interinstitutional capacities to design laws, regulations and policies guiding judicial and administrative proceedings pertinent to human rights.	1.1.1 Number of new regulatory and policy tools that increase access to justice in line with international standards developed with support of the EU-funded intervention.  1.1.2 Number of government policies developed or revised with civil society organisation participation through EU support (GERF 2.29)**	1.1.1 Baseline: 0/year 0  1.1.2 Baseline: 0/year 0	1.1.1 Target: 5/year 4  1.1.2 Target: To be established in the inception phase	1.1.1 Texts of regulations and policies  1.1.2 Texts of regulations and policies	Government authorities have the political will to, when presented with sound evidence, adapt the legal framework to comply with the State's international obligations.
<b>Output 2 relating to Outcome 1</b>	1.2. Improved capacities of the criminal justice system to strengthen investigation, prosecution and	1.2.1 Number of criminal justice system actors trained by the EU-funded intervention with increased knowledge and/or skills in investigation, prosecution	1.2.1 Baseline: 0/year 0	1.2.1: Target: 100/year 4	1.2.1 Pre- and post-training test reports	Institutions prioritise the issues of protection and accountability and keep allowing implementing partner to provide direct

	adjudication of crimes and human rights violations	and adjudication of crimes and human rights violations, disaggregated by sex.  1.2.2 Percentage of judicial operators who, after being supported by the EU-funded intervention, report having the knowledge and abilities to design and implement policies and practices, in line with international justice and human rights standards, disaggregated by sex.	1.2.2 Baseline: 0 / year 0	1.2.2: 60%/year 4	1.2.2 Pre- and post-training test reports	technical assistance to strengthen their institutional procedures.  Government authorities have the political will and resources to adopt human rights policies and implement them.
<b>Output 3 relating to Outcome 1</b>	1.3 Improved capacities of relevant state actors to facilitate access to adequate justice services to persons in vulnerable situation, including people on the move and victims of gender-based violence	1.3.1 Number of criminal justice system actors trained by the EU-funded intervention with increased knowledge and/or skills in gender and violence against women, indigenous peoples, people on the move, environmental crimes, and land conflicts, disaggregated by sex	1.3.1 Baseline: 0/year 0	1.3.1: Target:100 /year 5	1.3.1 Pre- and post-training test reports \	National authorities have the will to comply with human rights obligations on equality and non-discrimination and are willing to work and/or continue working with the implementing partner.
<b>Output 1 relating to Outcome 2</b>	2.1. Increased capacities of civil society and victims to demand and advocate access to justice with key state institutions	2.1.1. Number of advocacy initiatives promoted by victims and/or civil society organisations aimed at improving access to justice.  2.1.2 Number of CSO representatives trained by the EU-funded intervention with increased knowledge and/or skills on issues related to people on the move, women's rights, LGBTIQ+ persons, victims of serious human rights violations and corruption,	2.1.1. Baseline: 0/ year 0  2.1.2. Baseline: 0/year 0	2.1.1. Target: 8/year 4  2.1.2 Target: 100/year 4	2.1.1. Summary documents outlining the content and status of the respective advocacy initiatives.  2.1.2. Pre- and post-training test reports \	The State does not limit the space for civil society to operate. Civil society organisations are able to continue working independently.  Civil society organisations remain open to working with the implementing partner on key initiatives.

		<p>indigenous population rights, persons deprived of their liberty to advocate for human rights compliance within the security and justice system, disaggregated by sex.</p> <p>2.1.3 Number of grassroots civil society organisations benefitting from (or reached by) EU support (GERF 2.28)</p>	2.1.3. Baseline: 0/year 0	2.1.3 Target: 40/year 4	2.1.2. Baseline: mid-term and endline studies conducted and budgeted by the EU-funded intervention.	Continued availability of core funding for the functioning of civil society organisations
<b>Output 2 relating to Outcome 2</b>	2.2 Improved strategic litigation, availability of legal aid and coordinated comprehensive services (psycho-social support, truth and reparation systems) for victims in emblematic cases of human rights violations	<p>2.2.1 Number of emblematic human rights and access to justice cases; disaggregated by typology of human rights violations, in which pro bono legal representation and/or comprehensive services are provided with support of the EU-funded intervention.</p> <p>2.2.2 Number of victims of human rights violations directly benefiting from assistance funded by the EU (GERF 2.30)</p>	2.2.1 Baseline: 0	2.2.1. Target: 20 (average 5 per year) / year 4	2.2.1 Agreements with human rights pro bono legal firms; Summary documents regarding legal aid provided in emblematic cases; Records of strategic litigation exchanges	<p>Timely resolution of administrative, substantive and other arrangements with legal representation providers.</p> <p>Pre-identified service providers accept the conditions of the Action and are willing to continue working with the implementing partner.</p>
			2.2.2 Baseline 0/year 0	2.2.2 Target: to be established in the inception phase	2.2.2 Case records and other legal documents of the legal aid provided for the victims of human rights violations.	

## 4 IMPLEMENTATION ARRANGEMENTS

### 4.1 Financing Agreement

In order to implement this action, it is not envisaged to conclude a financing agreement with the partner country.

### 4.2 Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

### 4.3 Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures.

#### 4.3.1 Indirect Management with an entrusted entity

This Action may be implemented in indirect management with the UN Office of the High Commissioner for Human Rights (OHCHR). The implementation by this entity entails the entire Action as described in the Action Document, although a significant portion of SO2 (holistic support to victims and civil society organisations) will be sub-contracted through grants to civil society organisations.

The selection of this implementing partner is based on the vulnerable political context and lessons learnt from previous interventions in the sector. Since the creation of its country office in 2015, OHCHR was able to position itself as a trusted actor for judicial, legislative and executive institutions, even those coming from across the political spectrum. It has a prominent convening role between key stakeholders, often being the only international partner able to bring state institutions with diverging interests around the same table, including civil society and private sector representatives. OHCHR's credibility with key stakeholders, including state institutions, civil society, donors and other members of the international community has been crucial to promote structural changes to strengthen the rule of law and accountability for serious human rights violations, while in parallel working with victims to increase access to justice. OHCHR has established strategic partnerships at the highest level with the Public Prosecutor's Office and the Supreme Court of Justice. Specifically with the Public Prosecutor's Office, OHCHR signed on 19 May 2021 a Memorandum of Understanding to promote the investigation of human rights violations, including femicides, persecution of human rights defenders, among others, hereby firmly strengthening a cooperation framework that seeks access to justice for victims. OHCHR also played a key role in the drafting, adoption and implementation of a law that introduced a new election model for magistrates to the Supreme Court of Justice to strengthen the judicial independence in Honduras.

The Action is closely linked to the Country Engagement Strategy of OHCHR Honduras. Its expected outcome is to contribute to the respect and guarantee of human rights of the Honduran population by strengthening the rule of law, expanding and promoting civic space and people's participation, promoting development and access to economic, social and cultural rights and combating discrimination against groups in vulnerable situations.

This will allow the Office to keep on applying a strategic approach to dealing with human rights challenges in order to increase impact on the ground. The implementation of the Action will also allow more proactive and strategic engagement with relevant stakeholders, while addressing the emerging human rights concerns and feeding into the Office's priorities for next years. This proposal also fits in the current OHCHR Management Plan. Moreover, the proposal is aligned with the UN Sustainable Development Cooperation

Framework (UNSDCF) of Honduras (2022-2026), the 2030 Agenda and the Secretary General's Call to Action for Human Rights.

The envisaged entity has been selected using the following criteria:

- Extensive experience of working in Honduras with justice and other state institutions, civil society organisations, human rights defenders and victims of human rights abuses;
- Recognised political impartiality;
- Established expertise in capacity building, monitoring and documenting the human rights situation, implemented within the framework of a detailed cooperation agreement signed with the Government in 2015;
- Demonstrated capacity to mobilise technical capacity and political backing by the wider United Nations human rights system, including Human Rights Council special mechanism and procedures, in addition to close alignment and partnership with the Inter-American Human Rights system;
- Strong gender mainstreaming approach, and in contributing to confidence-building measures – such as in the resolution of human rights cases – in support to initiatives fostering a national dialogue;
- Technical, administrative and financial capacities;
- Capacity to channel funding to civil society and grassroots organisations;
- Satisfactory visibility of EU funding.

In case the envisaged entity would need to be replaced, the Commission's services may select a replacement entity using the same criteria. If the entity is replaced, the decision to replace it needs to be justified.

#### 4.3.2 Changes from indirect to direct management mode (and vice versa) due to exceptional circumstances (one alternative second option)

If the foreseen implementation modality under indirect management above cannot be implemented due to circumstances outside of the Commission's control, the action may be implemented through a technical assistance service contract in direct management mode with the targeted beneficiaries identified in section 2.2 of this Action Document.

#### 4.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

## 4.5 Indicative Budget

Indicative Budget components	EU contribution (amount in EUR)	OHCHR contribution (amount in EUR)
<b>Outcome 1:</b> Improved the efficiency, effectiveness, and independence of the justice institutions and mechanisms at national and lower levels to guarantee access to justice in line with human rights international standards.	4 010 000	450 000
<i>Indirect management with an entrusted entity - cf. section 4.3.1</i>		
<b>Outcome 2:</b> Provided holistic support to victims and civil society organisations to increase their capacities to access justice, legal protection and claim their rights.	3 990 000	450 000
- of which sub-granting to civil society organisations	1 300 000 (tentative)	
<i>Indirect management with an entrusted entity - cf. section 4.3.1</i>		
<b>Totals</b>	8 000 000	900 000

## 4.6 Organisational Set-up and Responsibilities

The entrusted entity will be responsible for the day-to-day operations of the Action. The entrusted entity and the EU Delegation will establish a steering mechanism to decide on strategic orientations, possible adjustments, approval and programming of the activities of the Action. The mechanism will include the participation of the key state institutions and civil society organisations directly involved in the implementation of the Action. Representatives from other identified main stakeholders may be invited *ad hoc* when the need arises.

A Project Steering Committee will be installed as the decision-making body responsible for management decisions and for directing the Project Coordinator when guidance is required, always within the framework of the institutional mandate of OHCHR in Honduras.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action and may sign or enter into joint declarations or statements, for the purpose of enhancing the visibility of the EU and its contribution to this action and ensuring effective coordination.

# 5 PERFORMANCE MEASUREMENT

## 5.1 Monitoring and Reporting

Roles and responsibilities for data collection, analysis and monitoring:

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) and the partner's strategy, policy or reform action plan list (for budget support).

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

*Roles and responsibilities for data collection, analysis and monitoring:*

For the implementation of the Action, the entrusted entity will put in place a detailed monitoring methodology to guide implementation to achieve the objectives and results, as well as help measure and show the real impacts on the ground after the implementation of the Action. The entrusted entity will design a theory of change and a monitoring and evaluation plan, to measure impact during and after the implementation of the Action. A continuous risk analysis (external and internal) will be carried out to establish the probability, impact, and level of effectiveness of internal control criteria, as well as inform mitigation strategies.

The entrusted entity will hold regular monitoring to assess the status of project's implementation and provide feedback to the entrusted entity's management on findings. For this purpose, the entrusted entity will develop Annual Operating Plans that define the expected results, objectives, and impact indicators to implement the Action. Staff members responsible for the implementation of the different strategic priorities included in this Action will report advances, challenges and processes through the entrusted entity's reporting system. Based on the information reported, the entrusted entity will hold periodical meetings with the project coordinator and responsible thematic units to review project and budget implementation and jointly agree on corrective actions where needed. To discuss and report progress during the implementation of the project, the entrusted entity will also hold periodic meetings with the EU.

The entrusted entity will be responsible for collecting all data required to define both the baseline, monitor progress and results achieved. For this purpose, the entrusted entity will use available public statistics and information collected to identify the baseline. Additional information will also be collected to measure progress at the end of the Action. Where such data is not available, the implementers will launch specific surveys at start and end of Action interventions to measure progress. Gender equality and the human rights-based approach will be mainstreamed into the monitoring and evaluation of the project and indicators will be sex-disaggregated and disaggregated by other relevant aspects whenever possible (e.g. age, disability).

## 5.2 Evaluation

Having regard to the nature of the Action, a final evaluation will be carried out for this Action or its components via independent consultants to be contracted by the Commission.

If an evaluation is planned by the Commission, the Commission shall inform the implementing partner at least two months in advance of the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports may be shared with the partners and other key stakeholders following the best practice of evaluation dissemination. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluation and, where appropriate, apply the necessary adjustments.

## 5.3 Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this Action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

# 6 STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

The 2021-2027 programming cycle will adopt a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

In line with the 2022 “[Communicating and Raising EU Visibility: Guidance for External Actions](#)”, it will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union’s support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

However, action documents for specific sector programmes are in principle no longer required to include a provision for communication and visibility actions promoting the programmes concerned. These resources will instead be consolidated in Cooperation Facilities established by support measure action documents, allowing Delegations to plan and execute multiannual strategic communication and public diplomacy actions with sufficient critical mass to be effective on a national scale.

## Appendix 1 REPORTING IN OPSYS

A Primary Intervention (project/programme) is a coherent set of activities and results structured in a logical framework aiming at delivering development change or progress. Identifying the level of the primary intervention will allow for:

Articulating Actions or Contracts according to an expected chain of results and therefore allowing them to ensure efficient monitoring and reporting of performance;

Differentiating these Actions or Contracts from those that do not produce direct reportable development results, defined as support entities (i.e. audits, evaluations);

Having a complete and exhaustive mapping of all results-bearing Actions and Contracts.

Primary Interventions are identified during the design of each action by the responsible service (Delegation or Headquarters operational Unit).

The level of the Primary Intervention chosen can be modified (directly in OPSYS) and the modification does not constitute an amendment of the action document.

The intervention level for the present Action identifies as (tick one of the 4 following options);

<b>Action level (i.e. Budget Support, blending)</b>		
<input checked="" type="checkbox"/>	Single action	Present action: all contracts in the present action
<b>Group of actions level (i.e. top-up cases, different phases of a single programme)</b>		
<input type="checkbox"/>	Group of actions	Actions reference (CRIS#/OPSYS#): <Present action> <Other action(s)>
<b>Contract level</b>		
<input type="checkbox"/>	Single Contract 1	<foreseen individual legal commitment (or contract)>
<input type="checkbox"/>	Single Contract 2	<foreseen individual legal commitment (or contract)>
	(...)	
<b>Group of contracts level (i.e. series of programme estimates, cases in which an Action includes for example four contracts and two of them, a technical assistance contract and a contribution agreement, aim at the same objectives and complement each other)</b>		
<input type="checkbox"/>	Group of contracts 1	<foreseen individual legal commitment (or contract) 1> <foreseen individual legal commitment (or contract) 2> <foreseen individual legal commitment (or contract) #>