

**ANALYSIS OF LAWS AND DECREES AS LEGAL PATHWAYS TO  
GUARANTEE THE RIGHTS OF INDIGENOUS AND AFRO-DESCENDANT  
COMMUNITIES IN HONDURAS:  
CURRENT PROBLEMS AND CHALLENGES**  
**ANÁLISIS DE LAS LEYES Y DECRETOS COMO VÍAS JURÍDICAS PARA GARANTIZAR  
LOS DERECHOS DE LAS COMUNIDADES INDÍGENAS Y AFRODESCENDIENTES EN  
HONDURAS:  
PROBLEMAS Y RETOS ACTUALES**

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**ABSTRACT**

**Keywords:**

indigenous population, Afro-descendants, legislation, Honduras, human rights.

This article analyzes and compares Honduran laws and decrees that protect the rights of Indigenous and Afro-descendant communities. The aim of the research is to assess the strengths and weaknesses of the current legal framework and the obstacles to its effective implementation. A qualitative approach was used, and a comprehensive analysis of the relevant laws and decrees was conducted. Additionally, semi-structured interviews and questionnaires were administered to representatives of the affected communities and human rights experts. The sample consisted of thirty participants for the questionnaires and fifteen for the interviews. Thematic coding and comparative analysis were used to analyze the data. The results reveal a significant disparity between policy formulation and effective execution. Despite the substantial progress made by new laws, significant issues remain, such as the lack of institutional coordination and the inadequate allocation of resources, which limit the effectiveness of the policies. The research concludes that, despite advances in the legal framework, the effectiveness of the laws depends on more rigorous enforcement and greater inclusion of the affected communities in the implementation process. To improve the protection of these communities' rights, the study highlights the need for institutional reforms, active community participation, and sustained international commitment.

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**RESUMEN**

**Palabras clave:**

población indígena, afrodescendientes, legislación, Honduras, derechos humanos.

Este artículo analiza y compara las leyes y decretos hondureños que protegen los derechos de las comunidades indígenas y afrodescendientes. El objetivo de la investigación es evaluar las fortalezas y debilidades del marco legal actual y los obstáculos para su implementación efectiva. Se utilizó un enfoque cualitativo y se llevó a cabo un análisis completo de las leyes y decretos

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pertinentes. Además, se realizaron entrevistas semiestructuradas y cuestionarios a representantes de las comunidades afectadas y expertos en derechos humanos. La muestra consistió en treinta participantes para cuestionarios y quince para entrevistas. La codificación temática y el análisis comparativo se utilizaron para analizar los datos. Los resultados muestran una notable disparidad entre la formulación de políticas y su ejecución efectiva. A pesar de que las nuevas leyes han logrado avances significativos, todavía existen problemas importantes, como la falta de coordinación institucional y asignación de recursos adecuados, que limitan la eficacia de las políticas. La investigación concluye que, a pesar de los avances en el marco legal, la eficacia de las leyes depende de una aplicación más rigurosa y de una mayor inclusión de las comunidades afectadas en el proceso de implementación. Para mejorar la protección de los derechos de estas comunidades, se destaca la necesidad de reformas institucionales, una participación comunitaria activa y un compromiso sostenido a nivel internacional.

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## **Introduction**

Honduras has undergone important legal and political changes in recent decades with the aim of protecting the rights of indigenous and Afro-descendant communities. Historically marginalized, these populations have faced a variety of problems, including loss of ancestral lands, violence and systematic discrimination.

In response, the government has issued a series of laws and decrees to protect their rights, demonstrating a renewed dedication to social justice and human rights. However, effective enforcement of these regulations remains a major challenge, especially in rural areas and in situations of high vulnerability.

This article analyzes and compares the most important laws and decrees in Honduras, evaluating their impact and the current challenges to protect the rights of these communities.

### ***Theoretical Basis***

In modern societies, equality is a fundamental principle that is necessary to guarantee human dignity and the full exercise of the rights and freedoms granted to them. "All are equal before the law and are entitled without distinction to equal protection of the law," according to the Universal Declaration of Human Rights (United Nations, 2015). This principle is particularly important for indigenous and Afro-descendant peoples, who have been systematically discriminated against and marginalized throughout history. Therefore, equality must serve as the basis for all other rights, avoiding any social, economic or cultural discrimination.

One of the greatest challenges facing modern democratic societies is persistent discrimination, which manifests itself in unequal rights and opportunities for certain social groups. As López (2016) points out, this situation leads to an unjust society in which formal equality, which is often expressed in normative texts, does not translate into material or factual equality. "A merely formal interpretation of equality has the effect of hiding a series of inequalities of a material and symbolic order that do not correspond to the demanding normative assumptions of democracy," warn Clerico and Aldao (2011).

Many governments have begun by eliminating these inequalities through the elimination of discriminatory laws. This is a great advance, but it is not enough to completely eradicate discrimination (López, 2016). It is recognized that the implementation of laws and decrees, although important, does not in itself guarantee material equity. Anderson (2005) proposes the implementation of different policies that allow the effective inclusion of historically marginalized groups, opening spaces in important areas such as education, work, political participation and the economy.

In Honduras, the Constitution and several international instruments, including Convention 169 of the International Labor Organization (ILO, 1989) protect the rights of indigenous and Afro-descendant communities. These documents highlight the importance of protecting fundamental rights such as cultural identity, access to land and territory, prior consultation and participation in decisions that affect them, as well as equality and non-discrimination in all spheres of life.

However, the effective implementation of these rights in practice remains a challenge. Legal frameworks in Honduras have advanced considerably in terms of formal recognition of the rights of these communities, but significant problems persist in their implementation, reflecting a gap between formal equality and material equality (IACHR, 2020). To close this gap, it is essential not only to strengthen implementation mechanisms, but also to promote the participation of affected communities in the

decision-making process and in monitoring compliance with their rights (Human Rights Watch, 2022).

## **Method**

### ***Research design***

This study uses a qualitative research design to understand the regulations and public policies that affect indigenous and Afro-descendant communities, as well as their implementation. The method included documentary analysis, semi-structured interviews and questionnaires. The documentary analysis identified the relevant laws, decrees and public policies. Human rights experts, officials and community representatives were interviewed and completed questionnaires to examine obstacles in the implementation of these regulations and assess their impact on reducing inequalities and discrimination. This method combined institutional perspectives and community experiences, providing a comprehensive view of how regulations work.

### ***Sample***

To ensure adequate representation of the various actors involved in the protection of human rights and indigenous and Afro-descendant communities in Honduras, the sample was selected in a stratified manner. 15 participants with expertise in human rights, public policy and direct connections to these communities participated in semi-structured interviews as part of a purposive sample.

Government officials, community leaders and human rights experts were part of this group. In addition, an additional group of thirty people was selected to complete the questionnaire, representing a variety of views and experiences of the affected communities. The combination of these techniques provided a complete and well-founded understanding of the implementation of the standards analyzed.

#### **Inclusion Criteria:**

- Relevant experience in human rights or in the implementation of policies related to indigenous and Afro-descendant communities.
- Direct representation of the affected communities or participation in organizations that work with these communities.

#### **Exclusion criteria:**

- Participants who do not have direct experience or relevant knowledge in the field of human rights or in the implementation of policies related to indigenous and Afro-descendant communities.
- Individuals who are not directly involved or do not have a significant relationship with the communities in question.

**Participant Characteristics:** Study participants were carefully selected to provide a comprehensive and varied view of the implementation of the regulations. Include government officials with responsibilities in the formulation and execution of public policies related to the rights of indigenous and Afro-descendant communities. In addition, community leaders and representatives of non-governmental organizations that are directly involved in the promotion and defense of these rights in local communities were included. Human rights experts with vast experience in the region also participated, providing in-depth knowledge of the challenges and opportunities in policy

implementation. This diversity in the profile of the participants ensures a comprehensive perspective on the impact and effectiveness of the regulations evaluated.

### ***Data collection process***

a. Semi-structured interviews: interviews were scheduled and carried out in person or through virtual platforms. The interviews were recorded with the consent of the participants, transcribed and organized for analysis.

b. Questionnaires: questionnaires were distributed through digital platforms and in physical format, according to the preference of the participants. The questionnaires were designed to elicit both quantitative and qualitative responses.

### ***Data Analysis***

a. Qualitative analysis: interview data were analyzed by thematic coding to identify patterns, emerging themes and discrepancies between policy and practice.

b. Quantitative analysis: the results of the questionnaires were statistically analyzed to identify trends and correlations, and integrated with the findings of the interviews for a complete picture.

Ethical Considerations: Before participating in the interviews and completing the questionnaires, all participants gave informed consent. He ensured that the data were stored securely and only used for the study, protecting the confidentiality of the data. Participation in the study was completely voluntary, and participants were free to leave the study at any time without having to worry about any negative results. An accurate and fair representation of participants' perspectives was made possible by an unbiased approach to data collection and analysis.

### ***Recent Regulatory Framework***

In recent years, Honduras has made progress in creating a regulatory framework to respond to the demands of indigenous and Afro-descendant communities, who have historically faced discrimination and marginalization. The most recent and relevant regulations are listed below in Table 1:

**Table 1***Summary of Relevant Regulations for the Protection of the Rights of Indigenous and Afro-descendant Communities in Honduras*

<b>Regulations</b>	<b>Institution</b>	<b>Date of Enactment</b>	<b>Gazette publication</b>	<b>Provision</b>
Law for the Prevention, Attention and Protection of Internally Displaced Persons (Legislative Decree 154-2022)	National Congress	march 20, 2023	Gazette No. 36,184	Establishes a framework for the protection of internally displaced persons, with a focus on gender-based violence.
Law for the Protection of Women in Contexts of Humanitarian Crises, Natural Disasters and Emergencies (Legislative Decree 9-2023)	National Congress	may 02, 2023	Gazette No. 36,217	Guarantees specific protection for women in crisis and emergency situations.
Law of the National DNA Database System (Legislative Decree 57-2023)	National Congress	august 31, 2023	Gazette No. 36,322	Facilitates identification of missing persons and clarification of crimes
Repeal of the Organic Law of the Employment and Economic Development Zones (ZEDE) (Legislative Decree 32-2022)	National Congress	april 21, 2022	Gazette No. 35,902	Protects territorial sovereignty and prevents usurpation of land by ZEDES
Repeal of the Organic Law of the Employment and Economic Development Zones (ZEDE) (Legislative Decree 33-2022)	National Congress	april 26, 2022	Gazette No. 35,907	Repeal in its entirety the decree containing ZEDE,
Creation of the Solidarity Network Program and other social programs (PCM-08-2022)	Executive Power	may 02, 2022	Gazette No. 35,912	Establishes programs to reduce extreme poverty and enhance social inclusion
Garifuna Route Law (Legislative Decree 50-2023)	National Congress	november 20, 2023	Gazette No. 36,388	Declares the Garifuna Route as a permanent program to preserve and promote the Garifuna culture.
Recognition of Juan Bulnes as an Emblematic Personage (Legislative Decree 42-2024)	National Congress	may 18, 2024	Gazette No. 36,537	Recognizes Juan Bulnes as an outstanding historical figure of the Garifuna people.
Recognition of Lauro Agapito Álvarez Dolmo (Legislative Decree 51-2022)	National Congress	june 16, 2022	Gazette No. 35,951	Awarded recognition to Lauro Agapito Álvarez Dolmo for his trajectory in favor of the Garifuna communities.
Creation of the High-Level Intersectoral Commission for Compliance with International Judgments (PCM 03-2024)	Executive Power	march 26, 2024	Gazette No. 36,495	Implements international judgments related to Garifuna communities.
Day of the English-speaking Black Afrodescendant Population in Honduras	National Congress	july 19, 2024	Gazette No. 36,590	Declares August 1 as the Day of the Black Afrodescendant Population and

(Legislative Decree 130-2022)						promotes cultural activities.
Recognition of Afro-descendant Men and Women (Legislative Decree 41-2024)	National Congress	may 18, 2024	Gazette No. 36,537			Recognizes outstanding Afro-descendants in various areas with plaques and scrolls.
Declaration of the International Decade for People of African Descent in Honduras (Legislative Decree 33-2019)	National Congress	august 22, 2019	Gazette No. 35,029			Establishes an action plan to promote the rights of people of African descent aligned with the SDGs.
Mayan Route Law (Legislative Decree 77-2022)	National Congress	22.November.2022	Gazette No. 36,083			Declares the "Mayan Route" as a Permanent Program of National Interest to promote cultural exchanges based on common ancestral values in the American Region.

These regulations reflect the growing commitment of the Honduran State to address the needs and protect the rights of indigenous and Afro-descendant communities. However, significant challenges remain when comparing retrospectively what was envisaged during its formulation with the reality of its actual implementation (Holz et al., 2023).

Law for the Prevention, Attention and Protection of Internally Displaced Persons (Legislative Decree 154-2022). This law marks an important advance in Honduran legislation by recognizing violence, including gender-based violence, as a cause of forced displacement. Establishes a comprehensive framework for the protection of displaced persons, highlighting a differential and gender approach (National Congress, 2022).

Law for the Protection of Women in Contexts of Humanitarian Crises, Natural Disasters and Emergencies (Legislative Decree 9-2023). This law focuses on the protection of women in crisis situations, addressing their vulnerability to violence and exploitation in emergency contexts. It represents a milestone in gender legislation in Honduras (National Congress, 2023a).

Law of the National DNA Database System (Legislative Decree 57-2023). This legislation is crucial for the resolution of crimes and the identification of missing persons, being especially relevant for communities that have suffered human rights violations (National Congress, 2023b).

Repeal of the Organic Law of Employment and Economic Development Zones (ZEDE) (Legislative Decree 33-2022). The repeal of this law was a significant victory for indigenous and Afro-descendant communities, as ZEDes represented a threat to their territorial sovereignty and land rights (National Congress, 2022).

Creation of the Solidarity Network Program and other social programs. Established through executive decrees, these programs seek to reduce extreme poverty and improve social inclusion, with a particular focus on the most vulnerable populations, including indigenous and Afro-descendant communities (Presidency, 2024a).

Garifuna Route Law (Legislative Decree 50-2023). This law, declared as a Permanent Program of National Interest, aims to preserve and promote the language, dance, handicrafts and other cultural aspects of the Garifuna population. An Interinstitutional Committee for Permanent Support was created for the conservation and promotion of the cultural expressions of the Garifuna Route in Honduras (National Congress, 2023c).

Recognition of Juan Bulnes as an Emblematic Personage (Legislative Decree 42-2024). This decree recognizes Juan Bulnes as an emblematic figure of the history and culture of the Garífuna people, highlighting his courage and commitment to freedom and Central American unity (National Congress, 2024a).

Recognition of Lauro Agapito Álvarez Dolmo (Legislative Decree 51-2022). Through this decree, the "Gold Medal with Special Scroll" is awarded to Álvarez Dolmo for his outstanding career in favor of the Garifuna communities of Honduras (National Congress, 2022b).

Creation of the High Level Intersectoral Commission for Compliance with International Judgments (PCM 03-2024). This commission was created to ensure compliance with the judgments of the Inter-American Court of Human Rights in the cases of the Garifuna communities of Triunfo de la Cruz and Punta Piedra, guaranteeing the protection of their rights (Presidency, 2024b).

Day of the Black Afrodescendant English-speaking Population in Honduras (Legislative Decree 130-2022). This decree establishes August 1 as the Day to celebrate and promote the traditions and culture of the Afro-descendant English-speaking black population in Honduras, with cultural activities throughout the month of August (National Congress, 2022c).

Recognition of Afro-descendant Men and Women (Legislative Decree 41-2024). This decree grants recognition with a Gold Plaque and Scroll to outstanding Afro-descendant men and women who have made significant contributions to the enhancement of Honduras (National Congress, 2024b).

Declaration of the International Decade for People of African Descent in Honduras (Legislative Decree 33-2019). This decree instructs central institutions to align their activities with the Sustainable Development Goals (SDGs) and the 2030 Agenda, implementing an action plan during the International Decade for People of African Descent (National Congress, 2019).

Mayan Route Law (Legislative Decree 77-2022): This law declares the Maya Route as a Permanent Program of National Interest with the objective of promoting cultural exchanges based on ancestral values common to the American Region (National Congress, 2022d).

#### *Understanding the Scope of the Regulation: Legislative Decree vs. PCM*

A Legislative Decree is a law that is enacted by the National Congress in Honduras and has legal force. The aforementioned decrees are essential to establish comprehensive public policies and their compliance is mandatory for all inhabitants and institutions of the country. The "Mayan Route Law" (Legislative Decree 77-2022), for example, is an example of how a Legislative Decree can approve programs of national interest that have a lasting impact. A PCM (Presidency of the Council of Ministers), on the other hand, is a provision issued by the Executive Branch that has legal force but in a more administrative and specialized area. (Superior Court of Accounts of Honduras, 2023),

The internal organization of the government, specific regulations and the implementation of policies already established by law are the main topics of the PCMs. Although they can also have a great impact, their scope is generally more limited than that of Legislative Decrees. This distinction is essential to understand the importance and impact of the laws in Honduras, especially when talking about fundamental rights or the creation of special economic zones such as ZEDE.



## Discussion

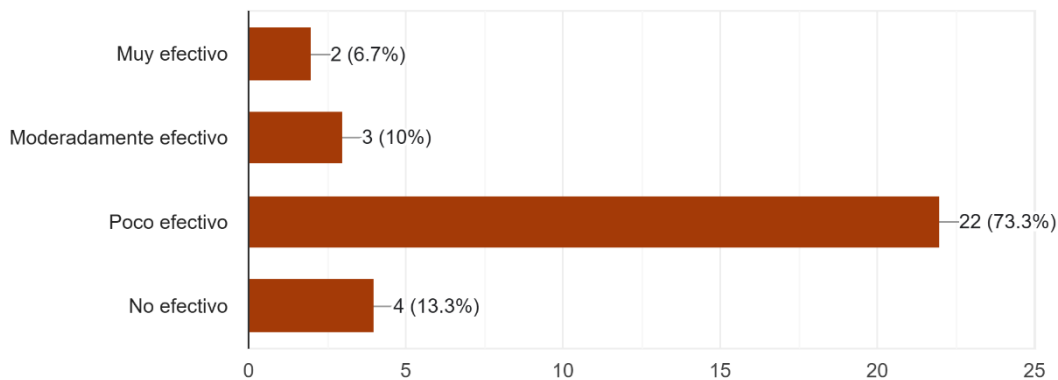
The questions of the questionnaire are presented below, together with the corresponding graphs, as well as a detailed analysis and discussion of the results. As part of this study, 30 questionnaires were used and semi-structured interviews were conducted with 15 key participants, including human rights experts, government officials, indigenous and Afro-descendant community leaders. The main findings are presented below, followed by an analysis and discussion.

### **Perception of the Legal Framework**

*Question: How would you rate the effectiveness of the current legal framework to protect the rights of indigenous and Afro-descendant communities?*

**Figure 1**

*Evaluation of the Effectiveness of the Legal Framework in the Protection of the Rights of Indigenous and Afro-descendant Communities*



The participants' assessment of the effectiveness of the legal framework in protecting the rights of indigenous and Afro-descendant communities is shown in Figure 1. The results indicate that the majority of respondents believe that the framework in question is insufficient.

Most of the interviewees recognized the significant advances in the creation of a legal framework that seeks to protect the rights of indigenous and Afro-descendant communities in Honduras. However, they also expressed concern about the gap between the enactment of these laws and their effective implementation. Several participants pointed out that, although the laws exist on paper, their application in reality is limited, especially in rural areas.

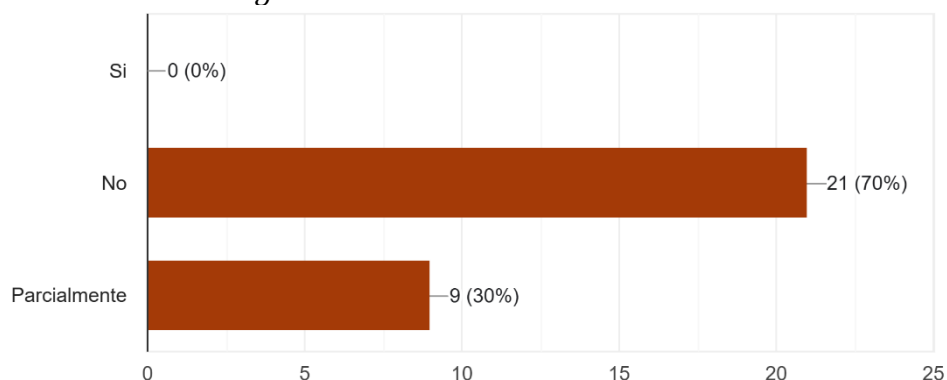
This result highlights a troubling disconnect between policy formulation and implementation. Lack of resources, both financial and human, was identified as a key barrier. This is consistent with previous research suggesting that the existence of a robust legal framework does not guarantee its effectiveness if it is not accompanied by a real commitment to its enforcement (Smith, 2020). The perception of the affected communities also indicates a lack of trust in government institutions, which could hinder the cooperation necessary for the implementation of these laws.

### **Community Participation in the Legislative Process**

*Question: do you consider that indigenous and Afro-descendant communities have been adequately consulted in the legislative process?*

**Figure 2**

*Perception of the Adequacy of Consultation with Indigenous and Afro-descendant Communities in the Legislative Process*



Respondents' opinions on whether indigenous and Afro-descendant communities have been adequately consulted during the legislative process are shown in Figure 2. The results are evident and show a generalized perception of exclusion in these processes.

Community leaders who were interviewed said that laws and decrees were often created without adequate consultation with indigenous and Afro-descendant communities. This has resulted in the creation of policies that, although well-intentioned, do not always meet the particular needs and realities of these communities. According to some participants, the lack of inclusive participation has led to policies that are not culturally sensitive or appropriate.

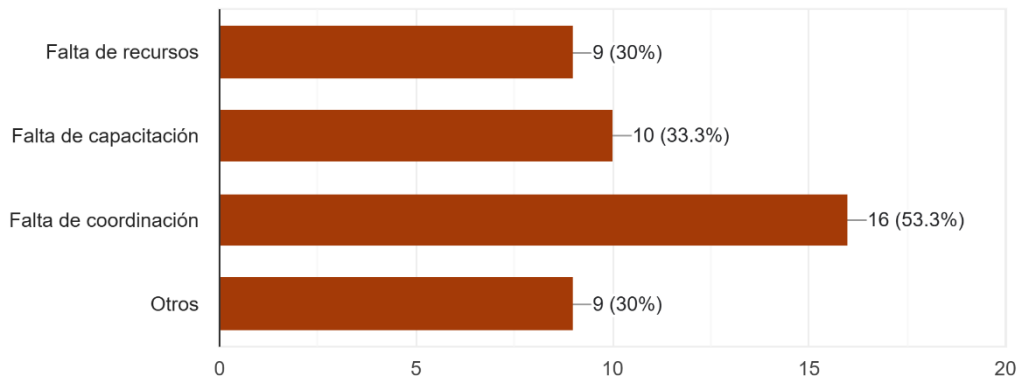
The lack of inclusion of communities in the legislative process in Honduras highlights a structural problem in policy formulation. Lack of consultation and participation weakens laws and erodes communities' trust in government and legal institutions. This result is in line with studies that argue that people should participate and collaborate in policy-making processes that affect vulnerable communities (Garcia et al., 2018). The active inclusion of communities in the design phase of laws could increase their relevance and applicability, thus increasing their positive impact.

### **Implementation and Institutional Training Barriers**

*Question: what is the main barrier to effective implementation of laws in your opinion?*

**Figure 3**

*Main Barriers to Effective Implementation of Laws as Seen by Participants*



Respondents' perceptions of the main barriers to the effective implementation of laws protecting the rights of indigenous and Afro-descendant communities are shown in Figure 3. Lack of coordination" was the obstacle most frequently mentioned by 53.6% of the participants. This indicates that, despite the existence of laws, the lack of effective communication between the different institutions and actors involved hinders their application.

The lack of training and resources in the institutions in charge of implementing the laws was a recurring theme in the interviews. Government officials acknowledged that responsible agencies often lack the qualified personnel and resources needed to carry out their functions effectively. In addition, government agencies were found not to work well together, resulting in inconsistent enforcement of laws.

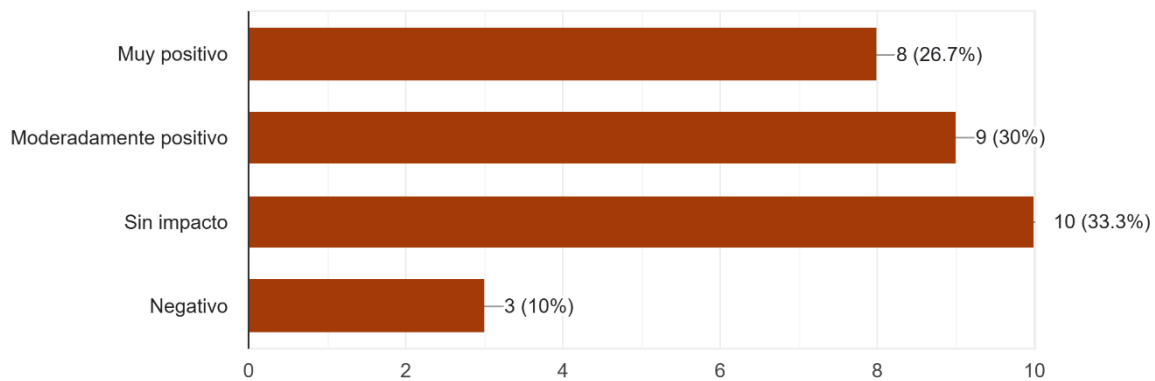
A crucial barrier to the effective implementation of policies aimed at protecting the rights of indigenous and Afro-descendant communities is the lack of institutional capacity. This confirms the importance of strengthening organizations through proper training of personnel and allocation of adequate resources. The lack of cooperation between institutions also shows the importance of a more collaborative and integrated approach to policy implementation. According to this result, institutional reforms should go beyond passing laws and focus on increasing the operational capacity of the responsible agencies (López & Martínez, 2019).

***Impact on Communities and Perceptions of Sovereignty***

*Question: how has the repeal of the ZEDE Law impacted your community?*

**Figure 4**

*Impact of the Repeal of the ZEDE Law on the Community according to the Participants*



The impact of the repeal of the ZEDE Law on the communities can be seen in Figure 4. Possibly because the law represented a threat to territorial sovereignty and ancestral land rights, 26.7% of respondents consider that the elimination of the law has had a "very positive" impact. The additional 30% evaluate it as "moderately positive", indicating that, although the elimination is viewed positively, the expected changes have not been as significant or immediate.

However, 33.3% say the repeal has had no impact on their communities, which could indicate a disconnect between the legislation and local circumstances. In addition, ten percent perceive a "negative" effect, indicating that for some, the elimination of the law has generated additional uncertainties or problems, such as the loss of investments or economic projects related to ZEDEs. These findings highlight the complexity of the effects of legislation on communities and the diversity of experiences that exist among them.

Interviewees from indigenous and Afro-descendant communities stressed that the elimination of the Organic Law of Employment and Economic Development Zones (ZEDE) was an important step to protect their territories and strengthen national sovereignty. However, they also said they still have significant problems with access to land, protection of natural resources and physical security.

The repeal of the ZEDE Law is seen as a significant victory for the affected communities because it demonstrates that the government has recognized the demands of these communities. However, the persistence of land and natural resource problems indicates that continued efforts are required to ensure that these communities can fully exercise their rights. This result indicates that not only are legislative changes needed to protect national sovereignty and the territorial rights of communities, but measures must also be taken to ensure security and access to resources essential for the survival of communities (Verhelst and Contreras Urbano, 2024)

#### *Comparative Analysis and Effectiveness of Implementation*

A comparison of these laws and decrees shows a regulatory framework that, although ambitious, presents significant obstacles in its implementation. The strengths and weaknesses found in the study are listed below:

#### **Strengths**

**Legal and Political Commitment:** The State is committed to protecting the rights of indigenous and Afro-descendant communities through the creation of new laws and the

elimination of harmful laws such as ZEDE. These legislative measures are crucial to restore confidence in the legal system and in the government.

**Focus on Human Rights and Gender:** The incorporation of gender and human rights approaches in new laws is a significant advance, especially in a context where racial discrimination and gender-based violence have long been ignored.

### ***Weaknesses***

**Lack of effective implementation:** despite a solid regulatory framework, the implementation of these laws remains a challenge. The effectiveness of these policies has been limited by the lack of financial resources, trained personnel and political will at certain levels of government, particularly in remote regions.

**Disconnection with Community Needs:** In many cases, laws and programs are created without adequate consultation with affected communities, resulting in solutions that do not always address the specific needs or cultural contexts of indigenous and Afro-descendant communities.

### ***Current challenges and future prospects***

In terms of protecting the rights of its indigenous and Afro-descendant communities, the greatest challenge facing Honduras is to close the gap between legislation and practical implementation. Several reforms and additional actions are required to achieve this objective:

1. **Institutional strengthening:** Providing adequate resources and continuous training to personnel is essential to improve the capacity of the institutions in charge of implementing these laws. To ensure that policies are implemented equitably and effectively, monitoring and accountability mechanisms should also be strengthened.
2. **Community Involvement:** It is crucial that communities participate more actively in the legislative process and policy implementation. Creating spaces for discussion and consultation can ensure that laws and programs reflect the real needs and aspirations of communities.
3. **Continuous Monitoring and Evaluation:** The implementation of monitoring and evaluation systems is crucial to assess the impact of laws and programs. To ensure that policies are implemented and produce the expected results, these mechanisms must be transparent and allow for community participation.
4. **International Commitment:** To overcome internal challenges, strengthening relationships with international organizations and leveraging cooperation and technical assistance can be essential. Participating in global forums such as UNESCO's Global Forum against Racism and Discrimination is a step in the right direction to align national policies with international human rights standards.

## **Conclusions**

The research highlights the notable disparity between the creation and enforcement of laws in Honduras that seek to protect the rights of indigenous and Afro-descendant communities. Despite notable progress in creating a legal framework that recognizes and promotes the rights of these communities, the effectiveness of these laws remains limited by a number of structural challenges. Insufficient resources, lack of

coordination between institutions and lack of training of law enforcement personnel are major obstacles to effective law enforcement.

In recent years, Honduras has created a legal framework that protects the rights of indigenous and Afro-descendant communities. However, the main challenge remains effective implementation, and achieving this will require collaborative work that includes institutional reforms, greater community participation and continued commitment at both the national and international levels. Only a comprehensive strategy can ensure that these communities fully enjoy their rights and live in conditions of respect and dignity.

It is also highlighted that existing ZEDEs continue to operate in a legal vacuum, invoking legal guarantees from international treaties, despite the fact that the ZEDE Law was eliminated (Contracorriente, 2023). Although the elimination of the law has been considered a victory for national sovereignty and the protection of land rights, there are still significant problems with access to land and the protection of natural resources. The current situation highlights the importance of implementing additional reforms and concrete actions to address these persistent obstacles.

It is important to note that although Legislative Decrees such as the "Ley de la Ruta Maya" aim to establish long-term policies and are crucial to protect community rights, PCMs have a more limited and functional role in the governmental system. This disparity in the application of the law emphasizes the importance of a solid legal system backed by formal laws to guarantee the effective protection of the rights of indigenous and Afro-descendant communities in Honduras.

In addition, exclusion is a recurrent problem that prevents indigenous and Afro-descendant communities from participating in legislative processes, which negatively affects the relevance and impact of policies. These communities should actively participate in the creation and implementation of laws to ensure that policies are tailored to their particular needs and contexts. Institutional reforms are needed to increase operational capacity, encourage community participation and foster sustained international commitment to improve the situation. Only through a comprehensive approach that combines appropriate resources, political will and the inclusion of affected communities will it be possible to close the gap between legislation and its effective implementation in Honduras.

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