

Honduran Non Government Organizations Alternative Report

**Assessing the Government's progress in  
implementing the United Nations  
Convention on the Elimination of all  
forms of Discrimination Against Women  
2007-2012**

**CEDAW Honduras Platform**

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# Context

As a result of the 2009 *coup d'état*, gender unconstitutionality and other mechanisms to guarantee human rights of women have gone through a recoil process that violates national and international regulations, hindering the progress of the proposals and other demands raised by female citizens. Groups promoting setbacks in women's human rights - especially those regarding sexual and reproductive rights- as well as fundamentalist currents, have been strengthened to the point of interfering in decision-making spaces of Honduran female citizenship. A letter sent by the Evangelical Fellowship to Karla Cuevas - Vice-Minister of the Secretariat of Human Rights, Justice, Interior and Decentralization- which expressly requested the State not to ratify the *Optional Protocol* to CEDAW, arguing that it would promote same-sex marriages and abortion, is a perfect example of the power gained by these groups.<sup>1</sup>

Despite the efforts made for over 12 years, by women's organizations and feminists as well as the support and advocacy received at all levels, Honduran authorities and State legislators refuse to ratify the *Optional Protocol*. Neither it seems to matter that fourteen countries have recommended its ratification in the last *Universal Periodical Review* (UPR).<sup>2</sup>

State security agencies were involved in actions of violent repression against the population -from which women were not exempt- and the role of the Judiciary in the criminalization of protest, resulted in a lack of institutional trust and credibility by the population, increasing security issues and interfering access to justice.

Honduras ranks second among countries of the region that register more attacks on human rights female defenders, reporting a total of 119 attacks between the year of 2010 and 2012 and 95 victims of those assaults were activists defending land, territories and natural resources. This situation accounts for both the increasingly prominent role of women in the territorial struggles and the increase in social unrest generated by the imposition of neoliberal policies that put private interests over the common good. During this period of time there were multiple forms of aggression: excessive use of force, arbitrary arrests, illegal detentions, restriction on freedom of transit and freedom of association, among other. The identity of those perpetrating these violent actions, demonstrates direct involvement of State representatives and nourishes the dangers female human rights defenders face in this country, where 69 of the attackers were State, departmental or provincial authorities; 54 were municipal authorities; companies or

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<sup>1</sup> A scanned version may be found at:

<http://www.pasosdeanimalgrande.com/index.php/es/contexto/item/1079-iglesias-recomiendan-al-estado-de-honduras-no-ratificar-protocolo-facultativo-de-la-cedaw-que-protege-derechos-de-las-mujeres/1079-iglesias-recomiendan-al-estado-de-honduras-no-ratificar-protocolo-facultativo-de-la-cedaw-que-protege-derechos-de-las-mujeres>

<sup>2</sup> Costa Rica, Slovenia, Sweden, East Timor, Austria, Canada, Peru, Mexico, Spain, Turkey, Uruguay, Chile, France, Germany.

businesses were responsible of 52 aggressions, and 54 assaults were executed by State security forces such as police and military officials with 26 and 28 cases respectively.<sup>3</sup>

## Cultural Patterns

It is concerning that the government mentioned the *Country Vision 2010-2038* and *Nation Plan 2010-2022* as a move towards equality. Although, they contemplated gender as one of its cross-cutting themes, the indicators proposed are weaker than the already limited options presented in the *Millennium Development Goals*; indicators that focus on the promotion of 'family Values' represent a serious threat in terms of a minimal recognition of women as subjects of rights.<sup>4</sup>

There must be an articulated and comprehensive approach between institutions and all relevant actors involved, otherwise, governments will continue with -the implicit or explicit- contribution to the social acceptance of violence against women and its widespread impunity. In order to eradicate these assaults and the abuse suffered by women, in general, and certain populations in particular, can only be achieved by attacking its patriarchal and structural causes. Female sexual workers, for example, are constantly attacked by members of the Municipal, National and Military Police. According to *Honduras' Sex Workers Network*, abuse, extortion, rape, homicide or attempt homicide reports are often common, they have records of two sex workers who suffered abortions due to beatings inflicted by police officers.

The participation of all State institutions, along with equal participation of social actors in decision-making spaces, is essential when addressing discrimination and violence against women. The government has a clear position and favors the participation of religious fundamentalist sectors in spaces where the interests of civil society should have priority. During the coup regime,<sup>5</sup> a massive approval of legal entity status was granted to Evangelical and Catholic groups, subsequently, the official appointment of these groups representatives in government boards or commissions took place.<sup>6</sup> There is a disagreement between these privileges and the limited participation representatives of the women's movement have within the same spaces, even when it comes to making decisions that affects the bodies and the lives of women.

Another case is the use of private educational institutions to impose clearly discriminatory rules. There is a tendency to justify the use of discriminatory measures towards young

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<sup>3</sup>Violence Against Female Human Rights Defenders in Mesoamerica. 2012 Diagnosis. Mesoamerican Initiative for Women Human Rights Defenders, August, 2013.

<sup>4</sup> It should be noted that members of religious fundamentalist groups actively participated -representing civil society- in the definition of conceptual elements within this section on both Country Vision and Nation Plan strategies.

<sup>5</sup> Within 6 months during the coup regime, the National Congress granted legal entity status to 47 Evangelical and Catholic groups, while in the first 4 months, since the following government took office, only 6 applications for legal entity status were issued. Source: Public Policies and Women's Human Rights Since the *Coup d'état*. Feminists in Resistance. June 2010.

<sup>6</sup> <http://www.laprensa.hn/honduras/949671-410/gobierno-defiende-nombramiento-de-pastor-en-comisi%C3%B3n-depuradora>

girls, adolescents and young women, within the privacy of these institutions regulations and internal dynamics. This situation allows the establishment of frequent bans on their clothing, forcing them to use only skirts of certain length and styles. It does not stop there, it goes beyond their clothing, there is control over the way they style their hair, the way they behave and interact with other peers, or if their behavior is considered to exceed the limits of traditionally conceived femininity.

Some educational institutions justify expelling or suspending pregnant students with the excuse of applying a 'protective' measure, due their stage of pregnancy or as an imposition, since their condition -according to these schools- demands them to start assuming their responsibility as future mothers. Although, the *Law on Equal Opportunities for Women* dictates otherwise.<sup>7</sup>

Given the prejudicial actions committed to fundamental rights of women, there is no opposing State mechanism to prevent, subvert or monitoring these abuses. Most elementary schools and high schools that operate under such discriminatory terms, ignore the responsibilities that Honduras, as a country, is committed to in terms of human rights and whether state institutions are involved.

## Institutional Setting

### National Women's Institute

The National Women's Institute (INAM, by its acronym in Spanish)<sup>8</sup> is the authority responsible for making accountable any public policies aimed at reducing discrimination against women in Honduras. However, since 2014 It was organically weakened, and reduced, by executive decree PCM- 001-2014, from a Secretary of State rank to a mere office within the Secretariat of Human Rights, Justice, Interior and Decentralization. This decision contravenes the recommendations given by the CEDAW Committee in 2007, as it requests the State to: "strengthen the INAM so it becomes endowed with the power and authority that enables its influence in any regulatory activity of the State, and improve the promotion of mainstreaming gender in all laws, policies and national action plans."<sup>9</sup>

The INAM has lost autonomy in its participation as an interlocutor in welfare programs, as it now deals with greater technical and political coordination with the First Lady's Office rather than with Secretariat of State that runs it.<sup>10</sup> That institutional reorganization the INAM was submitted to, is an example of the stereotypical perspective that dictates the

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<sup>7</sup>Article 33.- The State and civil society organizations must provide women with educational opportunities, promote and encourage their participation in programs that provide training in activities that enables them to contribute, in equal terms with men, to the sustainable development of the nation. Article 35.- Pregnant students in schools will be granted maternity leave without endangering the continuity of their education.

<sup>8</sup>From this point on, the Spanish acronym will be used when referring to this institution.

<sup>9</sup> CEDAW/C/HON/CO/6, paragraph 17.

<sup>10</sup> Taken from the INAM's website:<http://bit.ly/2c2hvh>

assignment of the role institutions related to the promotion of gender public policies should have. Meaning that, from this point of view, the person who 'must' be in charge of these issues is the First Lady, since she is a woman and the President's wife. This scenario shows that the State is evading its obligation to eliminate discrimination against women, as it is established in the Law on Equal Opportunities for Women (the same law that dictates the creation of the INAM) and the CEDAW.

The II Plan of Equality and Gender Equity -II PIEG-<sup>11</sup> was created through a national consultation process and it was meant to be approved as a national policy, along with the National Women's Policy. This document was modified by the administration of INAM during the coup regime, which means that all State concerning responsibilities were reduced and the proposals regarding progress on women's rights eliminated. Clearly, current aspects associated to the protection of sexual and reproductive rights, political participation and women's right to a life free of violence, make these modifications more obvious.

## Municipal Women's Office

During the coup, the National Congress reformed the Municipalities Law through the Legislative Decree 143-2009, omitting the legalization of the Municipal Women's Offices - OMM<sup>12</sup>, leaving it to the discretion of municipal authorities whether the OMM should be included as part of the Municipalities or creating a unit, department or a social development division to address the needs of children, youth, women, disabled people, ethnic groups and senior citizens<sup>13</sup>. The INAM identifies this situation as an obstruction towards a full political and social participation of women, nevertheless, without any legal power -since it no longer has a status as Secretariat of State- the INAM is unable to demand changes in these regulations.<sup>14</sup>

Within the same period of time, at least 6 women in charge of different Municipal Women's Offices, were subject of political persecution and were dismissed from their jobs for protesting against the coup regime. Continuity in the 'politization' of the appointment of coordinator for the Municipal Women's Offices has derived in a disengagement of local networks of women against violence from the work carried out by these offices, dismantling the women's movement or taking the place of these networks and assigning them to others aligned with the official mandate.

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<sup>11</sup> By its acronym in Spanish

<sup>12</sup> Oficinas Municipales de la Mujer or OMM by its acronym in Spanish.

<sup>13</sup> The government granted legal status to the Municipal Pact for a Better Life and it became a law though budgetary provisions. This implied a distribution of resources, different from the one stated in the Municipalities Law, putting 5% of municipal transfers for women at risk. Although, only 2% of that budget is actually assigned. Source: The Right to a 5% of Municipal Transfer for Women: An Achievement at Risk. CESPAD, 2016.

<sup>14</sup> INAM challenges - Political Participation <http://bit.ly/2ca0OTc>

## Law on Equal Opportunities for Women

Besides being insufficient to meet its target, the *Law on Equal Opportunities for Women* (or LIOM<sup>15</sup>, by its acronym in Spanish) lacks harmony with other legislation that regulates the same situation from different perspectives and with a more guarantee-based approach. The three different ways that child care centers are regulated – in the Labor Code, in LIOM and according to its own regulations- stand out as an example; causing confusion and additional complexity when implementing this right as an obligation of both employers and the State.<sup>16</sup>

Likewise, the regulations in the LIOM must clearly define the responsibility quota the State has through its institutions, on implementing the provisions of this law. However, the regulation is still predominantly declarative, inoperative and weak.

Gender Units in public institutions, are created through the regulation of LIOM and their purpose is promoting the exchange of information between these institutions and the INAM, enabling the presence of alarm mechanisms against possible violations of the objectives this law is based on. These units also encourage the reform of documents and public policies that do not contribute to the promotion of equality between men and women. Unfortunately, gender units were not created in every single institution, further decreasing the chances of coordination and limiting the scope of the INAM. Note that gender units have been weakened or disappeared from most institutions since the 2009 coup.

## Political Participation

### Apparent Setbacks

The coup and the subsequent militarist policies, reactivated the vertical control and male authoritarian practices in various public, social and political structures, reducing the participation opportunities women have in local and organizational spaces within political parties and State institutions.

In Honduras, the Supreme Court of Justice (CSJ, by its acronym in Spanish), consists of 15 judges. Before the coup, nine of the fifteen seats were held by women but in the following period, from 2009 to 2016, the participation of women was reduced to only 3 seats held by women. Currently, there are 5 women holding this position in the CSJ.<sup>17</sup>

In 2007, among all 16 Secretaries of State, women took the lead in 6 of those ministries (37.5%), only 8 of the 20 decentralized institutions had women holding senior management positions (40%) and among 18 decentralized organizations, only 2 had

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<sup>15</sup> From this point on, the acronym will be used when referring to this law.

<sup>16</sup> Labor Code, Article 142. Law on Equal Opportunities for Women, Article 59.

<sup>17</sup> <http://www.poderjudicial.gob.hn/CSJ-2016-2023/Paginas/default.aspx>

women directors (11%). Under the *de facto* government, of the 17 public officials sworn in only 7 were women. There were irregular appointments that did not cover all existing ministries, however, there was never public certainty over how the government was run and who was part of it.<sup>18</sup>

During the 2010-2014 government, 3 of the 16 chief positions appointed to Secretaries of State were held by women; regarding the direction of other government entities there were only five women holding positions as directors (10.5 %) as well as in other two new positions created by the government.<sup>19</sup> In 2014, the State structure was reorganized and the government was divided into 7 sectoral cabinets. The category of 'Ministry' was eliminated and the Secretary of State for Culture, Arts and Sports; Afro-Honduran and Indigenous peoples; Justice and Human Rights, among others, were transformed into sub-secretariats, directorates or secondary coordination entities. All seven sectoral cabinets coordinate their work with other 70 institutions and secretariats and only 11 of them are run by women.<sup>20</sup>

## Women's Low Representation in Politics

In Honduras, women's participation in politics, specifically regarding the internal affairs in political parties and in positions chosen by popular election, has been limited. According to the electoral census provided by the Supreme Electoral Court, most voters in this country are women (60%). In the 2013 elections, 63% of women cast their vote, while only 58% of men voted. Although, these statistics do not translate into more women holding decision-making positions, as evidenced by the following data:

- Summarizing statistics from 2001 to 2013, the average in 4 election periods has barely reached 19% of female representation as legislators. In the 2013 elections the average of female political representation as deputies reached its highest with 25.7%.
- There are only 19 women elected as mayors out of 298 municipalities. This is 6% of the total quota of mayors, while 33% represents women elected as vice-mayors and 25% of council representation is held by women.

## Quota, Parity and Alternation in Electoral Processes

Honduras has a reform that was achieved by women's political movements and women's parity-oriented movements, which means that the increase in the quota of women's political participation has been a gradual process. Currently, the quota is 30% and it has been restricted by the Honduran electoral system, since it is an open system that applies that same percentage to the primary elections -that is, when most popular parties

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<sup>18</sup> <http://www.laprensa.hn/honduras/506591-97/micheletti-consolida-gabinete-de-gobierno>

<sup>19</sup> [https://es.wikipedia.org/wiki/Porfirio\\_Lobo](https://es.wikipedia.org/wiki/Porfirio_Lobo)

<sup>20</sup> <http://www.estrategiaycomunicaciones.gob.hn/Estado>



participate- resulting in a diluted percentage by the time of the general election. Research related to the resignation of elected female candidates who are later replaced by their male counterparts is still pending, as well as the shady strategies used by governments to 'fill' the gender quotas demanded in the Electoral and Political Organizations Law (LEOP, by its acronym in Spanish), with the so-called "quota-filling" positions -those low-hierarchy or alternate political positions held by women- instead of offering real opportunities to women.

In addition to the mandatory quota for women's participation in political parties, political alternation is another affirmative key action or requirement to achieve parity.<sup>21</sup>

The Bureau of Political Participation of Women<sup>22</sup> kept insisting on a formal response, regarding the proposal on parity and alternation filed to the Supreme Electoral Court, until they finally could hold a meeting with the leaders of all legally registered political parties. The results were considered as 'inconclusive' and another round of consultation with the political parties was announced. The period for primary elections has already been declared effective but the Supreme Electoral Court has yet to offer a response on the application of parity and alternation. If alternation is applied in the ballots from the fifth position on, once again, the manipulation and betrayal of male representatives in the political parties -including the ruling party- it will be evident.

## Political Violence

In 2015, a **bill on Harassment and Political Violence Towards Women** was presented in coordination with women's organizations within the National Congress. Currently, the proposal is being studied but has not yet been discussed in this branch of government. There are at least 15 public cases of political violence against women reported between 2015 and 2016; the attacks consist of harassment, degrading phrases, discrimination, and the perpetrators are representatives of political parties, communicators or leaders of political parties, among others.

Some women who survived situations of violence turn to women's human rights organizations seeking advice and support. That is how in 2010, *Women's Movement for Peace: Visitación Padilla*, received a complaint from a company's employee who reported being fired after several months of suffering labor and sexual harassment by her boss.<sup>23</sup> This organization assumed the accompaniment of the victim and decided to organize a protest in order to condemn the impunity perpetrated in this case. At that time, the reaction of the accused was to file a lawsuit for "defamation and slander" against Gladys Lanza, the

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<sup>21</sup>This is defined in the amendment to the Electoral and Political Organizations Law "The Supreme Electoral Court shall regulate the application of the principle of parity and implement the mechanism of alternation of women and men, when suggesting formulas and nominations."

<sup>22</sup>Official name in Spanish: *Mesa de participación Política de las Mujeres*.

<sup>23</sup>The defendant was Executive Director of the Foundation for the Development of Social, Urban and Rural Housing (FUNDEVIH, by its acronym in Spanish) and husband of former finance minister during the *de facto* government -today she is deputy and presidential candidate for the Liberal Party.

national coordinator of the organization and a well-known feminist activist. Contrary to what usually happens with most cases of violence against women, this case was handled diligently and without delay; it was a smooth process, alternative measures were implemented, but, it ended in conviction charges against women's human rights defender, Gladys Lanza.

In addition to a year and a half of imprisonment,<sup>24</sup> the sentence involved the suspension of her political rights as well as the suspension from her position as coordinator of the *Women's Movement for Peace: Visitación Padilla*, among others.

This situation shows how the government and other State structures are openly involved in the criminalization of actions in defense of women's rights and hampers the political participation of Gladys Lanza. The suspension these rights, shows the execution of an improper process and therefore a violation of human rights -since the sentence was issued without a final judgement. Sadly, Gladys Lanza passed away on September 2016.

## Access to Justice

In Honduras, there are still many factors that prevent women from accessing proper legal protection for their rights and access to justice, they already have been monitored and in 2007, the CEDAW Committee requested their elimination.

Structural factors such as poverty, which affects most of the women in this country, coupled with the limited scope jurisdictional bodies have in rural areas, the lack of dissemination of women's rights, and the replication of gender stereotypes and prejudices by judicial officers, deepens existing inequalities.

The use of sexist language, re-victimization and contempt for women's rights as human rights by public officials and institutions, are signs of denial towards the recognition of power relations framing discrimination against women and it results in biased processes determined by unfavorable rulings or abandonment of the proceedings brought by victims<sup>25</sup>. Impunity dominates cases of violence against women, even in those with a judgment of conviction for murder, the State refuses to execute the arrest warrants that would meet the court's decision.<sup>26</sup>

Other challenges towards women's access to justice, in cases of violence against women, involve poor investigation processes, most of them do not proceed properly, a gender-sensitive approach is not applied and the necessary resources are never available when it

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<sup>24</sup> This process is currently in extraordinary appeal, but has not been notified of any progress on the pending resolution by the Supreme Court for more than a year ago, despite having required by appropriate legal means.

<sup>25</sup> According to the Judiciary Statistics Center, 73% of domestic violence cases reported in 2012 did not complete their process and therefore, declared obsolete.

<sup>26</sup> See, [http://www.derechosdelamujer.org/tl\\_files/documentos/violencia/Impunidad-Vanessa-Zepeda.pdf](http://www.derechosdelamujer.org/tl_files/documentos/violencia/Impunidad-Vanessa-Zepeda.pdf)

comes to crimes against women.<sup>27</sup> The high level of proof that the victim is required bring is another example. The amount of evidence required by those who defend these aggressors is abusive and this should be weighted or limited by the judge on a proper exercise of mediation in criminal proceedings. In cases of sexual harassment, specifically, the victims are required to provide evidence of rejection or timely report of the aggression suffered as a requirement to begin the process, which is contradictory to the hierarchical labor dynamics between men and women.<sup>28</sup>

Various public institutions, such as the judiciary and national hospitals, promote internal policies based on discriminatory stereotypes by denying the access of female citizens who use certain types of clothing – women wearing ‘shorts’ or ‘bearing necklines’- further restricting the limited access they already have in these institutions and the services provided there.

Impunity is a predominant factor in the Honduran context and has unacceptable levels for a judiciary system that is considered fairly efficient. In terms of violence against women, the increase in the number of murders of women (48.5%), between 2008 and 2012, does not correspond to the 1.6% decrease in impunity that has occurred since. On average, impunity in violent deaths of women during that period was 93.5%, leaving the murders of 2036 women unpunished.<sup>29</sup>

Also, a systematic practice performed by justice operators is to take discriminatory attitudes and reproduce gender prejudices when addressing cases related to LGBTI community, this situation prevents them from recognizing the mainstreaming of their sexual orientation and gender identity as a determining factor in these crimes. Between 2008 and 2015, the murders of 220 of people from the LGBTI community occurred and, despite the fact that authorities have the assistance of special investigative units, budget and international technical support, only 46 of those murders have been prosecuted.<sup>30</sup> The prevailing attitude among justice operator occurs even when they have specific guidelines on how to address these kinds of violent deaths, such as group murder or massacres and the consequent impact on the safety of the victim’s relatives or close friends<sup>31</sup>.

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<sup>27</sup>Access to Justice in Cases of Violent Deaths and Femicide. Women Rights Center, 2014. [http://derechosdelamujer.org/tl\\_files/documentos/violencia/Acceso%20a%20justicia%20femicidios%20y%20muertes%20violentas%20de%20Mujeres.pdf](http://derechosdelamujer.org/tl_files/documentos/violencia/Acceso%20a%20justicia%20femicidios%20y%20muertes%20violentas%20de%20Mujeres.pdf)

<sup>28</sup>The crime of Sexual Harassment, states that the process will be viable "as long as the advances or requests for sexual favors had been rejected before the questioner or have been timely reported to the working hierarchical authority or guild that the passive subject is affiliated to."

<sup>29</sup>Observatory of Women’s Human Rights. Violence Against Honduran Women: Armed Misogyny in a Scene of Daily Violence. February, 2014. Women’s Rights Center.

<sup>30</sup>Observatory Violent Deaths Per Year. Cattrachas Organization. <http://www.cattrachas.org/>

<sup>31</sup>This has been demonstrated through the data registered at Cattrachas’s Observatory of Violent Deaths of LGTTBI People. According to this organization, 19 lesbians have been murdered, most of them as victims of massacres.

# Education

Until June 28<sup>th</sup>, 2009 a broad inter-agency commission operated with participation of government, civil society and external cooperation. This commission was analyzing the rightness of the sex education guides, titled in Spanish as “*Guías para docentes sobre Educación Integral de la Sexualidad, Cuidando mi salud y mi Vida*” - “Guidelines for Teachers on Comprehensive Sexuality Education: Taking Care of My Health and My Life,” so it would be accepted as part of the curriculum of the educational system. With the coup, the process of pilot implementation of these guides was postponed, although they are part of the compendium of materials for teachers and, the Continuing Education System of the Secretariat of Public Education reports that, from 2010 to December 2015, 6,300 teachers were trained on how to use these guides, out of a total of 57,000 primary school teachers. According to education authorities, only 2,897 public schools (out of more than 20,000 existing public schools in the country) teach the contents provided in the guides.<sup>32</sup> Another aggravating situation is that throughout 2016 the Secretariat of Public Education’s virtual learning platform is out of service and teachers cannot receive any additional training.<sup>33</sup>

The government and education authorities are using evasive tactics when they are not implementing the necessary measures or mechanisms that requires teachers to develop these contents in their classes, and the consequences are worrying. On the one hand, it means that children and adolescents are being denied their right to information and scientific education, furthermore, it becomes another factor that triggers the increase of risks during unwanted pregnancies, high-risk abortions, adolescent childbearing, unwanted maternities and therefore, forced pregnancies and forced maternities.

While the government claims there is secularism in education, it contradicts itself when it issues provisions like Executive Decree PCM -M- 036-2009, in order to create the Education Program on Citizenship and Values (‘*Programa de Educación en Ciudadanía y Valores*’), which aims to “strengthen the sense of citizenship in men and women in this country regarding the full exercise of their duties, responsibilities and obligations to the family, their community with God and their country.” There are other practices that disrupt the access to an education free of violence and discrimination. For example, in the curriculum for prebasic education, there are several references that use the masculine grammatical gender as generic, instead of a more inclusive and non-sexist forms of the Spanish language; the suggested activities included in the curriculum are religious oriented and reproduce the stereotypes of traditional roles of men and women.<sup>34</sup>

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<sup>32</sup> [http://estadisticas.se.gob.hn/see/reporte\\_resumen\\_general.php](http://estadisticas.se.gob.hn/see/reporte_resumen_general.php)

<sup>33</sup> [http://capacitacion.se.gob.hn/course\\_course\\_list/information/1](http://capacitacion.se.gob.hn/course_course_list/information/1)

<sup>34</sup> Pre-basic Curriculum: <http://bit.ly/2c7718X>

Examples: Page 4. To learn how to differentiate genitals in the human body, the curriculum suggests to tell the story of Adam and Eve; Page 55: “Different Children Different Clothes and We All Love the Lord.”; Page 59: “Spiritual Values, Suggested Activities: Begin school day by thanking God with a prayer and ask God for the wellbeing of family, classmates, friends and teacher. They sing songs for the strengthening of faith. They listen to biblical stories. They talk about God’s attributes (God is everywhere, is all-power and all-knowing)”;

# Health

Maternal Mortality (MM) is mainly affecting women who live in the poorest conditions or in rural areas. This is an indicator that death or disability are the result of the extreme disadvantage in which many women are living. Women in Honduras continue to die from pregnancy-related, childbirth and postpartum causes. The government decided to commit to the goal of reducing MM to 46 cases per every 100,000 live births by 2015. However, according to data from 2010, when it was last reported a national study on this matter, the MM rates were 73 cases per 100,000 live births.<sup>35</sup> In other words, since the last time the Honduran government presented an updated report to this Committee -that is nine years ago- reducing maternal deaths has only been possible in 35%,<sup>36</sup> although, the rates if MM in adolescents has increased from 12.5% in 2006 to 20% in 2010.

Hemorrhage and hypertensive disorders during pregnancy, childbirth and post- childbirth are the leading causes of MM, that represents 62% of all registered cases in 2010. Indirect causes account for 29% of MM cases registered in that same year, but they consist of previous or progressive diseases that intensify during pregnancy and not direct obstetric causes. On average, the rates for MM caused by abortions have been reduced but it remains as the fourth leading cause of death in Honduras.

Access to contraceptives and family planning methods remains insufficient and sometimes it reaches situations of severe shortage in health care centers.<sup>37</sup> An indicator of this situation is a total fertility rate of 2.9 children per woman, reduced in 0.4 children per women between 2006-2012, which is higher than the desired fertility rate of 2.2 children per woman; demonstrating that high levels on the demand for contraceptives persist and are being dissatisfied.<sup>38</sup> In terms of family planning in adolescents aged 15 to 19 years, there is an 18% of unmet needs.<sup>39</sup>

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Page 68: "Relations with family and surroundings: Listen to the story of creation and identify that Jesus had Mom and Dad. Poem: My Family

My mommy is loving  
My daddy is hard-working  
My siblings are lovely  
My grandparents are all love."

Page 115: 'Human voices: Suggested activity song in English: "- Yes, Jesús love me /// Si, Cristo me ama /// The bible tells me so /// la Biblia dice así."

<sup>35</sup>Secretariat of Public Health. Honduras. Update on the Maternal Mortality Ratio: 2010. August, 2013.

<sup>36</sup>The MM rate in 2007 was 108 deaths per 100,000 live births.

<sup>37</sup><http://www.elheraldo.hn/pais/986493-466/hay-desabastecimiento-de-preservativos-pese-a-preocupaci%C3%B3n-por-contagio-del-zika> and UNFPA. Case Study: Contraceptive Stockout in Honduras. Available at: <http://noemptyshelves.org/wp-content/uploads/2016/08/Stockout-de-Anticonceptivos-en-Honduras.pdf>

<sup>38</sup> National Statistics Institute (Instituto Nacional de Estadísticas-INE). National Survey Of Demographics and Health 2011-2012, Honduras. See: <http://www.ine.gob.hn/index.php/25-publicaciones-ine/67-endesa-2011-2012>

<sup>39</sup>*Ibid.*, page 184.

The greatest evidence of governmental indifference to meet the needs of Honduran women, in terms of reproductive health, was the ban on the promotion, the marketing and use of emergency contraceptive pills,<sup>40</sup> the only method women can use after being raped. This ban was imposed after the 2009 coup by the de facto health minister. Since then, four different ministers (male and female) have directed the Secretariat of Public Health and none of them has nullified that agreement, which violates the basic rights of women and disregards the recommendations of committees and human rights rapporteurs as well as the systematic demands of women's organizations.

Honduras continues criminalizing abortion in all its forms,<sup>41</sup> even when the lives of women are at risk and may result in hypertensive diseases or others, that subsequently may become indirect causes of maternal deaths. CEDAW and other committees have recommended the revision of current legislations on abortion but Honduran government refuses to do so. Consequently, many women recur to self-induced and unsafe abortions performed clandestinely making even more vulnerable those women who are young, indigenous or live in rural areas or in deep poverty conditions.

Therapeutic abortion was recognized within the National Standards for Maternal and Neonatal Care, the government mentions this recognition in an official report but the statements are merely declaratory and considered secondary in terms of the hierarchy of national standards. If therapeutic abortion remains a crime under the Honduran Criminal Code, in every case, the chances women have to fully exercise their rights are very little because there is no real access to this service, not even in extreme circumstances and also, due to the ethical dilemma that engages health professionals to break the law in order to save women's lives.<sup>42</sup>

The National Strategy for the Prevention of Teenage Pregnancy was approved in 2011 and still has not shown any progress and places that have contraceptive supplies in stock and available, health personnel continue to deny adolescent women access to these services. Girls and adolescents who request an HIV test must have permission from an adult. Even though, the staff has been trained on this matter, some people do not give family planning services to adolescents: girls are asked whether they have a partner; They are told they are too young and therefore cannot provide them with contraceptives.

The fact that 24% of women, between 15 and 19 years old, in Honduras are pregnant or are already mothers<sup>43</sup> and that these numbers increased by 3% compared to the previous survey (2006) confirms that lack of progress. This, is the scenario that embarrassingly places Honduras second among countries with the highest teenage pregnancy rates in

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<sup>40</sup> Ministerial Agreement 2744-2009. See: <http://observatoriointernacional.com/?p=454>

<sup>41</sup> Honduran Criminal Code, articles 126, 127 and 128. See: [http://www.poderjudicial.gob.hn/juris/Codigos/C%C3%B3digo%20Penal%20\(09\).pdf](http://www.poderjudicial.gob.hn/juris/Codigos/C%C3%B3digo%20Penal%20(09).pdf)

<sup>42</sup> Secretariat of Public Health. Health Statistics. Hospital Discharges from 2010 to 2015.

<sup>43</sup> *Op cit.* Page 144.

Latin America.<sup>44</sup> National surveys do not take into account pregnancies in girls aged 10-14 years, but hospital records indicate they have come to represent up to 4% of all teenage births.<sup>45</sup>

<b>YEAR</b>	<b>HOSPITAL BIRTHS OF GIRLS AGED 10-14 YEARS</b>	<b>% OF ALL HOSPITAL BIRTHS OF WOMEN AGED 10-19 YEARS</b>
2008	960	3.7
2009	930	3.8
2010	1,222	4.2
2011	1,165	3.9
2012	1,168	3.7
2013	998	3.1
2014	907	2.8
2015	845	3.6

Source: Own calculations based on hospital discharges. Secretariat of Public Health. Health Statistics Division.

Previous data are the result of non-existing policies aimed at female children and adolescents, that include the prevention of sexual violence -often linked to unwanted pregnancies and unsafe abortions-, comprehensive sex education in public schools and access to appropriate health care and according to their circumstances.<sup>46</sup>

Women represent 47% of all cases of people with HIV in Honduras, they also are the ones who on average, score 10 points less than men in terms of knowledge on methods that

<sup>44</sup>Secretariat of Public Health. National Strategy for the Prevention of Teenage Pregnancy in Honduras (ENAPREAH, by its acronym in Spanish: *Estrategia Nacional para la Prevención del Embarazo en Adolescentes de Honduras*)

<sup>45</sup> Secretariat of Public Health. Health Statistics Division, Teenage Births: Hospital Discharges 2008-2015, Honduras.

<sup>46</sup> <http://criterio.hn/honduras-nuevamente-fuera-de-cuenta-del-milenio/>

reduce the risk of contracting HIV.<sup>47</sup> These data should consolidate the government's responsibility to promote appropriate measures for addressing the specificity of women in the context of the HIV epidemic. However, this has never been considered in any of the four National Strategic Plans Against AIDS (PENSIDA, by its acronym in Spanish) in the country.<sup>48</sup> Among women, the only ones that have been taken into account when addressing these issues are sex workers -since they are perceived as instrumental to the male demands-; trans women -where gender discrimination and gender identity intersect; pregnant women -as long as they remain life agents-; and *Garífunas* -in which sexism and racism is synthesized-.

Based on the structural nature of discrimination against women and their particular expressions regarding trans women, sex workers, Afro-Honduran, indigenous etc. The State must assume responsibility, through the government, on addressing the needs of women in their specific contexts in a framework of a comprehensive approach for women. In cases involving people with non-hegemonic sexual orientation and gender identities, discriminatory comments are usually mentioned and health personnel have not been trained on how to approach in such cases, nor they offer hormone therapy to trans people, although it is a constant demand.<sup>49</sup> The same applies to women with HIV, since stigma and discrimination deepens. Health service providers fail to fulfill their duty of confidentiality in the diagnosis and management of patient information, deny access to health services and pressure HIV-positive women to get sterilization,<sup>50</sup> incur on systematic restrictions on their right to access to information and access to an informed consent on reproductive matters, among other actions, which has contributed to the positioning of AIDS-related diseases as the second cause of death among women of reproductive age in Honduras, just after violent deaths.

One issue that was not considered in the official report of the Honduran State, is related to social security. This is a particularly sensitive subject, especially after the dismantling process of social security in the country and thus, the denial of this right for all people and primarily for women<sup>51</sup>. In this situation, the response was approving a law on social protection, enabling the outsourcing of health services and raising the pricing on both health services and social security.<sup>52</sup>

In Honduras, the situation with *Zika* is becoming an epidemic that deserves to be mentioned in this report. Between January and September 2016, more than 31,000 cases

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<sup>47</sup> *Op cit.* Page 294.

<sup>48</sup> CONASIDA. IV National Strategic Plan Response to HIV and AIDS in Honduras, 2015-2019.

<sup>49</sup> CLADEM, Honduras. Cairo+20 Process and Beyond – Monitoring Cairo Action Plan. 2013. Available at: [http://www.cladem.org/pdf/CLADEM\\_BalanceCairo+20.pdf](http://www.cladem.org/pdf/CLADEM_BalanceCairo+20.pdf)

<sup>50</sup> CRR. Information on Honduras, scheduled for review by the Committee on Economic, Social, and Cultural Rights during its 58<sup>th</sup> Session. Available at: [tbinternet.ohchr.org/INT\\_CESCR\\_NHS\\_HND\\_23936\\_E.docx](http://tbinternet.ohchr.org/INT_CESCR_NHS_HND_23936_E.docx)

<sup>51</sup> [http://www.ihss.hn/CIIHSS/informesciihss/Documents/PRIMER%20INFORME%20IHSS%20\(28-02-14\).pdf](http://www.ihss.hn/CIIHSS/informesciihss/Documents/PRIMER%20INFORME%20IHSS%20(28-02-14).pdf)

<sup>52</sup> <http://www.salud.gob.hn/doc/upeg/leymarcodeseguridadsocial.pdf>



of *Zika* had been reported to the National System of Public Health of Honduras. More than 600 of all those cases are pregnant women diagnosed with *Zika*; 47 children have already been born with microcephaly, between July and September this year. The measures taken by health authorities are focused on fighting against the *Zika* vector, sidestepping the recommendations of the World Health Organization on comprehensive measures in terms of reproductive rights.

## Violence

During the period covered on this report, Honduras went on to become the most violent country in the world.<sup>53</sup> What is not very well known is that the homicide rate for women in 2012 is 14.2 cases per every 100,000 women, outperforming the overall homicide rate of 152 countries according to the United Nations Office on Drug Control (UNODC), which is higher, even compared to countries that were at war at the time. This comparison allows determining the situation of women in a context of peace, but in reality is an undeclared war in which young, poor and urban women are the main victims. This comparison allows determining the situation of women in contexts of peace, but in reality, is an undeclared war in which young, poor and urban women are the main victims. On the other hand, current official figures show evidence of reduction in the homicide rate, but research performed by women's organizations questions the accuracy of these data by collating information from the National Police with information exposed in the media, proving the concealment of homicide cases of women and femicide in at least 17%.<sup>54</sup>

## Security Policies and Militarization

Security policies implemented within this period<sup>55</sup> prove not being effective to solve severe problems of insecurity and violence; these measures are aimed at strengthening armed institutions and thereby militarizing society. It is about an armed control over the territory and the population, that has resulted in specific cases of abuse -committed by military and police personnel- against women and girls, and range from violent repression to physical and sexual violence.<sup>56</sup> Some aggressions have also occurred in contexts of joint military operations with other governments, that is the case of the slaughter of two pregnant women in the indigenous community of *La Mosquitia*; these women were crossing the

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<sup>53</sup> Global Study on Homicide 2011. United Nations Office on Drugs and Crime UNODC.

<sup>54</sup> "What the Honduran Government Hides: A Social Audit Exercise on Violent Deaths of Women." Women's Rights Center. 2014. See: <http://bit.ly/2crUbsp>

<sup>55</sup> Between January 2010 and April, 2013 a total of 63 decrees on public safety and legal improvement were issued.

<sup>56</sup>News on Sexual Violence Against Women and Girls, committed by Military and Police: [commercial sexual exploitation, attempted rape and attempted murder, torture and rape, committed by an employee of the "Soto Cano" US Military Base in Comayagua towards 20 Honduran girls. Eight Police Officers Sexually Abused Honduran Girl.](#)

*Patuca* River when they were shot dead from a helicopter of the United States' Drug Enforcement Administration (DEA).<sup>57</sup>

It should be noted that militarization and arming strategies have a distinct impact on women who face gender-based violence, in most cases they are being exposed to armed aggressors and this situation does not seem to be taken into account; necessary measures to address this issue are not being developed, either. For example, State authorities should consider whether the aggressor carries a firearm, if so, it must be confiscated from the moment the authorities are aware of the incident. By allowing 15 to 30 days' elapse, to hold the hearing at court or at any other judicial branch, and make a decision on whether or not the weapon should be confiscated or not, victims of violence are left at great risk and endangered to the point of losing their lives.<sup>58</sup>

The government refers to the increase of femicides and violent deaths (of women) that engage the use of firearms<sup>59</sup> but, fails to adjust the national legislation in agreement with the specific repercussions that permissiveness -in terms of the owning and bearing of firearms- has in women's lives. In cases of violence involving the use of firearms, the law requires to issue confiscation orders as a security measure, however, most of the accused do not even have permission to carry weapons <sup>60</sup>and they are still not being confiscated.

## Sexual Violence

The context in which the different types of violence against women in Honduras occur, refers to a country where 27% of women report having experienced physical violence at some point in their lives,<sup>61</sup> nevertheless, most of these attacks never reach a formal complaint and are excluded from the 16,000 annual complaints received (on average) regarding cases of violence against women, as reported by the Public Ministry.

Domestic and family violence accounted for 75% of complaints, while sexual violence accounted for 20% of assaults. Among the reported cases of sexual violence, in half of them, the victims were girls under 14 years old. In 7 out of 10 cases the perpetrator was an acquaintance man, a family member, ex-spouse or partner of the victim.<sup>62</sup> The situation of victims of sexual violence is aggravated by the total ban on the access to emergency contraception, the more than 6,000 women who reported sexual offenses since it was banned are left in vulnerability, just like all those other women who did not report their

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<sup>57</sup> Juana Jackson and Candelaria Pratt were killed on May 11<sup>th</sup>, 2012. See: <http://bit.ly/1WqbPyX>

<sup>58</sup> According to Special Prosecutor for Women, Irma Grisel Amaya: "Domestic violence starts with a shove and ends with a shot." See: <http://www.proceso.hn/component/k2/item/42293.html>. Femicides committed by the assailants after being accused for domestic violence are also reported. See: <http://bit.ly/2cVy8c9>

<sup>59</sup> According to the special bulletins on violent deaths of women and femicide, published by Violence Observatory of the National Autonomous University of Honduras, cases in which firearms were used increased from 70.5% in 2008 to 75.6% in 2012.

<sup>60</sup>In Honduras, illegal carrying of weapons is considered a crime.

<sup>61</sup> National Survey on Demographics and Health 2011-2012.

<sup>62</sup> Observatory of Violent Deaths of Women and Femicide. 2012. Institute of Democracy, Peace and Security. National Autonomous University of Honduras.

assaults. In addition to the 94.5% of impunity presented by these cases, some research of women's organizations shows that "in practice, access to justice for victims of rape is complex, burdensome, belated and re-victimizing."<sup>63</sup>

In Honduras, every department or territory has different conditions regarding its economy, the status of basic services, revenue sources, cultural patterns, conflicts and others. Under these terms, women suffer different forms of violence and discrimination, according to the territory in which they live. In Santa Bárbara -a western Honduran department-, for example, 1 of 2 complaints (54.2%) of crimes against women are related to sexual violence, unlike the department of Cortes, located north of the country, where only 14.2% of all complaints are related to sexual violence.<sup>64</sup> Applying the principle of intersectionality, enables the government to differentiated approaches that could effectively contribute with the elimination of violence against women.

## Domestic Violence

It has already been stated that violence against women it is not reported in full and that cases coming into the justice system have very little chances of being diligently processed. Such is the case of domestic violence. According to official sources of the Public Ministry,<sup>65</sup> each year, an average of 20,000 women stand a complaint; instead, at the time of prosecution, less than 25% achieved resolution in court. Specialized courts receive less than 1.08% of the Judiciary budget and 73% of court proceedings end up expiring due to the constant obstacles facing those who dare to file a complaint for this type of violence. Given the lack of effectiveness in implementing a special law, victims are exposed to their aggressors, which leads to perpetuate or exacerbate the violence that they are already victims of. The support of women's organizations has been crucial to demonstrate the contempt the system has with women who report domestic violence, considering that when the victims arrive alone, hearings are issued even 30 days after having filed the complaint and when they accompanied by a human rights defender, waiting time is reduced by half.<sup>66</sup>

## Forced Displacements Caused by Violence

Since the government is unable to guarantee human security and victims of violence are left without options, more and more women are forced to leave the country due to violence, especially when internal displacement is no longer an option to scape this situation.<sup>67</sup> According to United Nations data,<sup>68</sup> asylum applications submitted by

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<sup>63</sup>Obstacles and Challenges Faced by Women Victims of Rape When Accessing to Justice. Women's Rights Center. Honduras, 2012.

<sup>64</sup> Women's Human Rights Observatory. Sexual Violence. Women's Rights Center. July. 2015.

<sup>65</sup> Statistical Observatory. Public Ministry of Honduras.

<sup>66</sup> Data collected by the Center for Women's Studies CDM-H on cases of accompaniment on Domestic Violence Courts in Tegucigalpa.

<sup>67</sup>In 68% of Honduran households displaced internally, persecution and insecurity were the only determinants. Report on the Characterization of Internal Displacement in Honduras. Inter-

Honduran people the United States government have increased by 1,300% between 2007 and 2015; also, data from different organizations assisting in this process, violence is the main reason for seeking asylum,<sup>6970</sup> even when they are not looking for asylum, 64% of women migrants from Guatemala, Honduras, El Salvador and Mexico identify violence as a reason to migrate.<sup>71</sup> It is estimated that, 80% of migrant women are sexually assaulted on their way to the United States, but the situation they live in Honduras is so unbearable that decide to confront the high chances of being a victim sexual violence; in fact, many women to resort to injectable contraceptives before beginning their journey to avoid the possibility of pregnancy as a result of these abuses -committed by 'coyotes', immigration officers, police officers, gang members and others.<sup>72</sup>

## Disappearances

Allegations of missing female children, teenagers and women have increased by 306% between 2008 and 2015, especially in the department of Cortes, place from which half of the complaints are logged.<sup>73</sup> The disappearance of women in Honduras, often implies the existence of other types of violence. In fact, in some cases, disappearances of women are related to transnational crime such as human trafficking and smuggling, or femicides.

Many women disappear from the streets or are violently taken from their homes, they are intercepted by armed individuals, in public or deserted places, they are forced to get on vehicles; they are tortured and disappear for days; later, they are found dead or remain missing.<sup>74</sup> In Honduras, the constant reports on discovering of 'mass clandestine graves' are alarming and in some cases, military clothing is found alongside with the bones of killed women.<sup>75</sup>

Given the lack of response from the government, the accompanying women's organizations provide to the victim's relatives and media monitoring become essential to identify patterns in cases that involve missing women,<sup>76</sup> sometimes, this actions result in finding information that implicates military and police structures in these disappearances.<sup>77</sup>

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institutional Commission for the Protection of People Displaced by Violence. See: <http://bit.ly/1S7dCAH>

<sup>68</sup>UNHCR [http://popstats.unhcr.org/en/asylum\\_seekers](http://popstats.unhcr.org/en/asylum_seekers)

<sup>69</sup>Advocates for Human Rights. Suggested list of issues related to violence against women in Honduras. CEDAW 65th Session. See: <http://bit.ly/2cQB76K>

<sup>70</sup>Doc. Advocates for Human Rights - Honduras - CEDAW.

<sup>71</sup>UNHCR "Women on the Run."

<sup>72</sup>Is rape the price to pay for migrants chasing the American Dream? See: <http://fus.in/1CdIzPK>

<sup>73</sup> Statistical Observatory. Honduran Public Ministry of Honduras.

<sup>74</sup> Inter-American Commission on Human Rights. Access to justice for women victims of Violence in the Américas.OEA / Ser. L / V / II. Doc. 68. Washington, D.C.20. January, 2007. See: <http://bit.ly/2cJjbOn>.

<sup>75</sup>Forum of Women for Life. Standard protocol. "Not forgetting them it is the way to find them". Guaymas Publishing. 2015.

<sup>76</sup> The Forum of Women for Life has provided support, monitoring, research and reported cases of missing women in the northern region of the country.

<sup>77</sup>Case of "Norma Hernandez", disappeared on June 1<sup>st</sup>, 2010.The characteristics of her abduction coincide with statements by a former member of the National Police filtered in the media,

The proportion of complaints filed remain unresolved, many more go unreported for lack of trust in authorities, fear of reprisal or the contempt that family members receive when they lodge a complaint.<sup>78</sup>

## Human Trafficking

Honduras is the country of origin, transit and destination for girls and women victims of trafficking for sexual exploitation and forced labor. For many years, State authorities in Honduras have been pointed out by the international community for not doing enough efforts on eliminating human trafficking.<sup>79</sup> Since then, there have been some regulatory changes in the fight against human trafficking: An Interagency Commission Against Commercial Sexual Exploitation and Trafficking in Persons in Honduras (CICESCT, by its acronym in Spanish<sup>80</sup>) was created, the ratification of the Protocol to Prevent, Suppress and Penalize Human Trafficking and the Special Law Against Human Trafficking. However, these efforts have not been effective.

While the CICESCT reported 92 alleged cases of human trafficking between 2009 and 2015, the Public Ministry registers 171 complaints during that same period; leaving evidence of the lack of coordination between these two institutions and the underreporting of these types of cases. Among the cases handled by the CICESCT 95% of victims are women, 70% are between 18-44 years old, the rest are minors between 14 to 17 years; only 13% of these cases are resolved in court.

## Femicides / Femicides

According to information included in a shadow report presented to this committee in 2007, an average of 13 women per month were killed in Honduras. By 2015, one woman is murdered every 16 hours.<sup>81</sup> Between 2005 and 2012, the number of violent 250% and 93.5% of these cases remain at a standstill at some stage of the judicial process;<sup>82</sup> every year, an average of 500 women are added to this number. Impunity is not the only thing murdered women in Honduras have in common: most of them come from the two main cities -Tegucigalpa and San Pedro Sula-, their ages were between 15 and 19 years old,

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revealing information on executions implicating high commands of that institution. Forum of Women for Life.

<sup>78</sup> In Norma Hernandez' case, her family referred to the damage they suffered when they filed the complaint; the authorities told them to go home and read the newspapers - a clear reference to go and find the news of Norma's death. Forum of Women for Life.

<sup>79</sup> Annual Report on Trafficking in Persons. The United States Department of State.2014.

<sup>80</sup> In Spanish: *Comisión Interinstitucional contra la Explotación Sexual Comercial y la Trata de Personas en Honduras*.

<sup>81</sup> Femicide is the highest expression of violence against women. Women's Rights Center.

<sup>82</sup> Observatory of Women's Human Rights. Violence Against Honduran Women: Armed Misogyny in a Scene of Daily Violence. February, 2014. Women's Rights Center.

80% of them were murdered with firearms, when the sex of the offender is reported they are usually male and 40% of these women were abducted prior to their murder.<sup>83</sup>

Femicides in Honduras are particularly ruthless. There is a high degree of viciousness in the way the lifeless bodies of women are displayed. Qualitatively, it is stated that femicides are increasingly showing greater signs of torture and cruelty before they are murdered. This reveals that the criminal intension behind these murders is for the victim to suffer more and more profoundly.<sup>84</sup>

Multiple reforms have been made, a criminal definition of femicide was created in 2013 but a weak institutional framework and a lack of comprehensive approach to criminal investigation and conducting of criminal cases hinders its proper application.<sup>85</sup> In 2008, a specialized unit was created within the Special Prosecutor's Office for Women, then in a few years was eliminated and replaced by other initiatives that were part of a restructuring model of justice. In that particular context and with the creation of the Technical Agency of Criminal Investigation (ATIC) in the Public Ministry, feminist organizations had no other option but to re-start an advocacy process to create, by 2016, the Research Unit of Violent Deaths of Women and Femicides, which is attached to the ATIC and with headquarters in Tegucigalpa and San Pedro Sula.<sup>86</sup> It is worrying that every certain period of time changes occur in the institutional framework and that ultimately, conveys in setbacks when it comes to eradicate violence against women.

## Impunity

The persistent impunity in crimes of violence against women reflects the negative attitudes of the police, prosecutors, investigation officers and judges. These people are responsible for enforcing the law and implement protection mechanisms in favor of women victims of violence; they also are in charge of defining criminal offences or determine the regulations associated with the imposition of penalties in cases of violence against women and of course, they are responsible for ignoring the power relations in which they fall. It is necessary to refer to. It should be mentioned that there are still forms of violence against women that go unpunished, rape in contexts of relationships or state violence.

The foregoing actions produce impunity and increases the distrust of women towards the institutions engaged in penalizing those acts of violence. Vagueness in judicial and

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<sup>83</sup>Observatory of Women's Human Rights. Violence Against Honduran Women: Armed Misogyny in a Scene of Daily Violence. February, 2014. Women's Rights Center.

<sup>84</sup>Femicide and violence against women 2008-2014. *Women's Movement for Peace: Visitación Padilla*

<sup>85</sup> According to data from the Judiciary, from the moment femicides were officially typified as a crime until December 2015, only 2 convictions have been issued for this crime. Electronic Center of Documentation and Judicial Information (CEDIJ).

<sup>86</sup> The government's Budget for 2015 allocated 30 million Lempiras for this agency. However, by August 2016, they have still not received any funds. Information provided on a CEM-H meeting with the Vice Minister of Finance Rocío Tabora and her technical team on July 19<sup>th</sup>, 2016 and from a meeting with the Attorney General and his ATIC team, the CEM-H and the Gender Commission of the National Congress on August 3<sup>rd</sup>, 2016.

investigative processes coupled with the approval of a new Criminal Code that includes reduced sentences and less alternative and technical-criminal measures, favors impunity in these type of acts and promotes their tolerance.

Since the national gender mechanisms were reduced to its minimum expression, the institutional framework in Honduras are more fragile, and although they have created new entities with legal authority for criminal investigation,<sup>87</sup> violence against women seem to be absent from their agendas. That is the case of the National Defense and Security Council, the highest governance body responsible for the security of the country and yet, it does not include any mechanism directly addressing violence against women.

As long as every stage on the process of accessing justice begins without acknowledgement of unequal power relations, as well as other important elements, criminal investigation will continue concluding -prematurely and irresponsibly- that the cause of increased violence against women is due to their connection to organized crime.<sup>88</sup>

Nationwide, women's organizations are aware of the obstacles faced by women victims of violence and sometimes they assume responsibilities that, in any case, are state responsibilities. However, they recognize the principle of comprehensiveness and in 2011 started creating the Model of Comprehensive Care for Women Victims/Survivors of Gender-Based Violence (MAI)<sup>89</sup> in the city of *La Ceiba*, Department of *Atlántida*<sup>90</sup>. The MAI, achieved positive results that proved the importance of comprehensive approach in cases of gender-based violence. But, when attempting to institutionalize this initiative, other populations like children in vulnerable conditions, the elderly and people with special needs were also included. Cutting expenses was the excuse given by the government for including other populations but it became the reason by which the initiative loses its specificity. This cutback in funding for the elimination of violence against women contrasts with the \$62 million-dollar leasing of 8 boats for the Armed Forces of Honduras, this was approved in October 2012 with Legislative Decree 173-2012.

Within the women's movement, raises suspicion the emphasis placed on public institutions, led by the President of the Republic, towards the creation of the "*Female City*" initiative;<sup>91</sup> this initiative is being promoted by the First Lady and it resembles more to an assembly of assistentialist programs instead of a platform of comprehensive care to women survivors of violence. Similarly, it is concerning that the national gender mechanism is subsumed by this initiative rather than directing it, as it was agreed in the law that establishes the creation of the INAM.

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<sup>87</sup>In 2010 there were only 3 police agencies for criminal investigation. Since 2011, there are 5 additional entities for investigation." Access to Justice in Cases of Violent Deaths of Women and Femicide. Women's Rights Center.

<sup>88</sup>Statements of a police officer blaming the victim, at the crime scene.

<sup>89</sup>In Spanish: *Modelo Atención Integral a Mujeres Víctimas/Sobrevivientes de Violencia Basada en Género*.

<sup>90</sup>Financed by the United Nations Fund for Population and Development and the Honduran Public Ministry.

<sup>91</sup> Executive Decree PCM 031-2016.

The formal response of the government has made progress in disintegrating sex in the official statistics in general, and violence in particular. However, the Electronic Center of Documentation and Judicial Information continues without differentiating the sex of the victims in domestic violence resolutions, hindering the development of indicators on access to justice for cases of domestic violence against women.

This is just an example of how insufficient is the statistical information the government has been producing in regards of the specific realities of women. Without the formal acknowledgement of all forms of violence against women, the production of statistics on these matters will not be possible. The absence of statistics on obstetric violence, street harassment or violence against women's reproductive freedom proves it perfectly. This is exactly what justifies women's organizations insisting on the need for the government and all its institutions to formally recognize these forms of violence and consequently, the government must assume its responsibilities and provide public access to an updated and integrated statistical system; it should not just enable analyzing the situation of women but it must become a resource for generating more effective security strategies.

## Economy and Employment

### Context

Honduras has been taking a step backwards in terms of economic, social and cultural rights. According to its first assessment, the Honduran State was recommended by the Committee to apply a gender perspective legislation in order to ensure greater equality between men and women and implement the necessary legislative measures to prevent transnational corporations violating Honduras' Labor Code.<sup>92</sup> There were also other aspects taken into account on the persistent inequality between men and women, especially in terms of access to employment, health services and social security. Additionally, the committee regretted the situation of indigenous and Afro-Honduran women, as well as women living in rural areas, since they remain being victims of multiple and inter-sectorial discrimination, which is reflected by the high rates of poverty they live in.

In the last 10 years, assistentialist programs in all areas have become stronger but it does not imply that poverty rates or employment/underemployment rates have been reduced. The disengagement these programs have with the national context and the situation of violence that women live in, shows that they backfire and end up resulting in acts of violence against women who receive these kind of economic palliatives, as in the case of a woman murdered by a former partner, when receiving less than \$115 USD through one of

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<sup>92</sup> UN Committee on Economic, Social and Cultural Rights. Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the Covenant. Concluding Observations of the Committee on Economic, Social and Cultural Rights. Honduras. E / C.12 / 1 / Add.57. May 21, 2001 paragraph 15 and 37, pp. 3 and 5.



these programs.<sup>93</sup> This kind of approach make it impossible to reduce economic and social gaps that ‘precarize’, and even endanger the lives of women.

The concerns raised by the CEDAW Committee, in the last session on sustained discrimination against women in the labor market, continue to remain valid since there is still occupational segregation and a persistent wage gap between men and women, as well as the concentration of women in the informal sector and in domestic work without any social security or other benefits guaranteed by the Labor Code.

## Labor Rights

On the one hand, flexibility, coupled with labor market and standards deregulation are practices that increase the profits of companies. On the other hand, they affect the rights of the working population, as it demands a greater effort in carrying out their activities. Such measures imply a setback on acquired rights, they have an impact on other rights as well -health, union organization and others-. Population working temporarily, hardly manage to move forward in organizational processes; they are subjected to intense working days and that precarizes the working conditions and the lives of workers and their families.

The government recent efforts in social security are far from protecting the rights of working population. In early 2015, the budget allocated to health increased by 18%, compared to a 55% increase in the defense budget,<sup>94</sup> the reality of the condition and infrastructure of health services in Honduras is insufficient, there are hospitals and medical centers that lack all kinds of basic conditions, instruments and medicines needed to properly serve all its users. However, health institutions and their regulatory entities, both internally and externally, have enough military with power to consider them war camps.<sup>95</sup>

### *Maquiladoras (Maquilas)*<sup>96</sup>

The nonexistent political will of the government to address problems of women workers in caregiving activities or wrongly associated with “women’s work” is evident in addressing two specific situations: *maquila* workers and domestic workers. In the first case, the *maquilas* in Honduras are an example of discrimination against women in skilled jobs; while most of the management positions are held by men, almost all of the seats on the assembly line are occupied by female workers. In the case of women domestic or household workers, the government does not have a full record of this population.

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<sup>93</sup>Article in a national newspaper. See: <http://bit.ly/2cmiVIE>

<sup>94</sup>Budget of the Republic of Honduras, 2014. Available at: [http://www.sefin.gob.hn/wp-content/uploads/2014/presupuesto2014/estadisticas/r\\_fpr\\_cmp\\_ins.pdf](http://www.sefin.gob.hn/wp-content/uploads/2014/presupuesto2014/estadisticas/r_fpr_cmp_ins.pdf)

<sup>95</sup>[http://www.bbc.com/mundo/video\\_fotos/2015/06/150619\\_video\\_honduras\\_militares\\_hospitales\\_corrupcion\\_aw](http://www.bbc.com/mundo/video_fotos/2015/06/150619_video_honduras_militares_hospitales_corrupcion_aw)

<sup>96</sup>*Maquiladoras*, commonly known as ‘*maquilas*’ are factories or assembly plants that operate (usually) in a third world country with a with the parent company's administration facility in a first world country (twin plants). This term is mostly used to refer to textile manufacturing plants.

Women account for 71% of the workforce in textile industry companies.<sup>97</sup> The promotion and massive incorporation of women into these jobs indicates stereotyped behaviors and state policies, since women are performing tasks that are considered an extension of domestic work, and also due to practices learned by women, their capacity and coordination abilities (eyesight-hands), their low educational levels and gender socializations, enable companies to prioritize the recruitment of women without organizational experience and little education (52.6% have completed primary school, six degrees) and who are not empowered enough to demand their rights.

Clothing female workers in the national industry have a minimum monthly wage of \$424 USD, free-zone female workers are paid \$272 USD a month and female workers in depressed areas earn \$192 USD, salary established in accordance to the Tripartite Minimum Wage Commission. These low wages also are accompanied by the violation their labor rights, exposed in the organization of work and environmental conditions of factories: (a) imposing higher working hours, more than the legally established maximum of 8 hours per day; (b) quota systems, high and progressive production goals; (c) exposure to occupational risk factors, psychosocial, environmental, physical, chemical, non-ergonomic, which increase the chance of developing occupational diseases; (d) harmful health effects caused by repetitive movements, poor lighting and forced positions, which can incapacitate workers partially or permanently.

The government and all involved state institutions are avoiding their responsibilities to investigate and penalize the iniquitous practices employers have, this state inefficiency is causing young women disabilities that are mostly irreversible.<sup>98</sup> The few female workers who manage to obtain medical opinion for relocation or risk ratings are discriminated by their employers, they reduce the worker's wage income alluding they cannot provide the same salary possibilities in another job position within the company.

Female workers with health conditions in process of getting medical opinion are at risk of losing their jobs due to their absences from work caused by their disabilities and medical consultations; they are also removed from their work teams, upon request of their co-workers because their absences from work delays production. *Maquilas* have implemented a system of collective production teams comprised of 12, 14 or 16 people doing the 'full package' and since all of them earn the same salary, they demand themselves and their teammates to achieve production goals in order to reach a higher wage, using harassment or mobbing. Production goals are unattainable for women with any kind of physical damage, this is why their co-workers ask for them to be removed from their work teams, while ill female workers risk their right to work and social security.

The Honduran government, by omission or ineffectiveness, has become an accomplice in the systematic and continuing 'vulnerabilization' of women workers' rights, inefficiency and negligence of labor related regulatory authorities to protect the rights of female workers is

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<sup>97</sup> Research on "Working conditions and prevalence of musculoskeletal and psychological disorders among workers of the maquila clothing." 2012. Metropolitan Autonomous University, campus Xochimilco, Mexico and Honduran Women's Collective.

<sup>98</sup> Case Accompaniment. Honduran Women's Collective CODEMUH.

self-evident; apart from wage inequality derives from labor codes (discrimination is part of the law), so they are also incapable of protecting workers, monitor or inspect the conditions inside *maquiladora* factories. Almost 50% of these assembly plants have illegal working shifts called, 4x4, 4x3 and 5x3, this means that people work 12 hours per day, 4 or 5 days a week resting (in theory) 4 or 3 days.

Nevertheless, the government continues promoting and protecting the establishment of these companies that do not pay any taxes, allowing them to operate throughout the national territory and creating in a permissive and non-contributory legal framework, labor authorities have shown incompetence to protect the rights of those working in these walled companies by encouraging impunity and lack of access to justice.

Constitutional reforms deserve special mention,<sup>99</sup> they enabled the creation of Employment and Economic Development Zones (ZEDE, by its acronym in Spanish)<sup>100</sup> which encourages expropriation of lands and plundering of the populations that live there, for installing territorial areas with special conditions granted to foreign investors. These regions are autonomous and subjected to different legal and civil regulations from the rest of the country; this will facilitate further human rights violations towards vulnerabilized populations in general and women in particular.

## Domestic Female Workers

Despite the existence of the ILO Convention 189 and its Recommendation 201, as well as recommendations made to the State of Honduras as part of the Universal Periodic Review, the discrimination and exploitation against domestic workers persists. Domestic work is done by adult women, but also by female adolescents and children,<sup>101</sup> which added to exploitation and discrimination, these women are also victims of sexual abuse and harassment. This kind of work is also recognized as a lower value female labor. Male domestic workers have an 18% higher wage income than their female counterparts.

The number of domestic workers has been increasing, in 2013 there were 93,000 female domestic workers in the country -6% of them do not have any days off per week-, 25% admitted that have been maltreated and 12% have been victims of physical abuse by both their male and female employers. Though many of the girls, female adolescents and young adults migrate to the cities to work in this sector, so they have a chance to study, these expectations are contrasted with a reality of exploitation that forces them to drop out of the academic system.

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<sup>99</sup>Legislative Decree 326-2012. See:

<http://zede.gob.hn/gaceta/Gaceta%2024%20de%20enero%202013.pdf>

<sup>100</sup> Legislative Decree 120-2013. See:

<http://zede.gob.hn/gaceta/Gaceta%206%20de%20septiembre%202013.pdf>

<sup>101</sup>"[...] The director of *Casa Alianza*, José Guadalupe Ruelas, said they are at least 500,000 infants who are victims of labor exploitation in all areas, some girls are working as housekeepers all day and night without receiving at least the minimum wage." "More than 379,000 children work in Honduras." *La Tribuna Newspaper*. June 14<sup>th</sup>, 2015. Available at <http://www.latribuna.hn/2015/06/14/mas-de-379-mil-ninos-trabajan-en-honduras/>

## Agroindustry

The less regulated jobs have a greater negative impact on the living conditions of women. Due to the temporary nature of the jobs related to shrimp, melon and okra farming, women are the ones that assume these jobs -coupled with their housework- in order to get additional income for the survival of their families, which in most cases depend on them economically. Women from the poorest regions of the country are so excluded that they are forced to look for jobs in companies that do not require work experience or technical expertise; underage girls and elderly women are hired but are denied all of their rights and are not even formally recognized as workers.<sup>102</sup> In the case of agro-industries, exclusion is joined by gender prejudices,<sup>103</sup> and poisonings caused by the lack of basic safety standards, planting tools and emergency health services have been reported.

## Mining

Women who venture in traditional or artisanal mining have no access to minimum wage or fixed wage, they are not covered by any social protection; in other words, they do not have access to preventive, reproductive or maternal health, and are not contributing to a pension system for when they become elderly. The attitude adopted by the government, when showing the inclusion of women in mining activities as an achievement, is an insult to human rights, as women join a sector of the economy that is totally unprotected and in precarious conditions. The only way to move forward towards equality is when the government and all involved state institutions guarantee to ensure all labor rights in artisanal mining.

## Obstacles to Access to Justice at Work

The most common obstacles on this topic arise when companies refuse to recognize the authority of officers of the Secretariat of Labor and Social Security by not letting them enter carry out inspections or ignoring summons to conciliate.<sup>104</sup> In recent years, these obstacles emerge with globalization; it facilitates the mobility of textile and clothing companies that established in impoverished countries like Honduras and without making any investments and without any social roots.

Workplace violence in the collective cases shown, ranked second and on a general level ranked fourth among the complaints filed. It includes shouting and swearing, hitting, pushing, ear-pulling, punches in their heads, working material being thrown to their faces or bodies, humiliations using posters with written messages. In these kind of situations is

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<sup>102</sup>“Shrimp, Melon and Okra Crops: Sources of Wealth and Insecurity in Southern Honduras.” Independent Monitoring Team. May, 2015.

<sup>103</sup> Melon export companies hire or outsource to women because of the stereotypical notion that the labor of women and female children and adolescents are more suitable for delicate tasks or to fit into tight spaces.

<sup>104</sup> Complete information contained in the investigation “Workers’ Routes to Access Labor Justice.” Women’s Rights Center, 2015.

difficult to count on hard evidence because witnesses are afraid of supporting their female co-workers, since their employers might take reprisals against them.

Similarly, applies to the norms established in Article 60 of the Law on Equal Opportunities for Women (LIOM), they argue that women victims of sexual harassment in their workplace are entitled to terminate the employment relationship without liability on their part and guaranteeing their right to social benefits. This provisions restricts women's rights in terms of employment because they are forced to leave their jobs if experiencing such kind of aggression, additionally, they find themselves without a specific route to do so. "Indirect layoffs" are difficult for the application of the law in specific cases and it stresses the need for a Labor Procedural Code in order to establish the special principles and procedures that recognize the needs of women in this area.<sup>105</sup>

A form of workplace violence, that is actually possible to document is that of women with HIV; these women are laid off their jobs after their condition is disclosed and have no chance of finding a new job, as one of the pre-employment requirements is a blood test and -in the case of maquiladora industry and banking- it is done by the company itself. Although these employers do not justify their reasons for a blood test, they can learn if the women who are seeking employment are pregnant or have HIV. Given the situation, the National Network of Positive Women, has managed to obtain sufficient documental and testimonial evidence of the constant violations of their human rights and labor rights especially as a result of their status as women with HIV.<sup>106</sup>

## Sexual Diversity and the Right to Work

The most frequent discrimination against LGBTI community is the absolute restriction of the right to work, this population not only are being denied the opportunity to work based on their gender identity or sexual orientation, but their opportunity to access basic services such as housing, education and access to physical and mental health are also being restricted.<sup>107</sup> Such discrimination particularly affect the transgender community; there is no legislation concerning people's gender identity or sexual orientation and they are unprotected and exposed to discriminatory comments and attacks by their potential employers. This exclusion and systematic discrimination has resulted in many trans women who have no other choice but becoming a sex worker or migrate to another country.

If they succeed on being hired, companies or workplaces insist in the private character of their businesses and use this as an argument the prohibitions provided in their internal labor regulations to place them in positions of irregular employment and precarious

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<sup>105</sup> This law is currently under analysis in the plenary of Congress.

<sup>106</sup>Balance, Legal-Technical Study of the Reproductive Rights of Women Living with HIV in Four Mesoamerican Countries the Violations. 2013.

<sup>107</sup> Rainbow of Honduras LGTB Association. 2014. Diagnosis of the Situation of Violations of Human Rights and Hate Crimes Against LGBTI Population in Honduras.

conditions. These kinds of actions are against the reform of Article 321 on the Criminal Code which prohibits discrimination on grounds of gender identity and / or sexual identity.

There is a lot of information that has been gathered from many cities in the country, regarding cases of discrimination towards LGTBI people that have been victims of violence, bullying, exclusion, and lesbo-trans-phobic taunts against girls and female adolescents that present a gender expression or sexual orientation different from the heterosexual normative. According to internal regulations, in institutes of secondary education, students who self-identify with a sexual orientation or gender identity other than heterosexual may be forced to be expelled from the educational system. Some schools have even denied the enrollment of LGTBI people, causing more marginalization and exclusion for this populations.<sup>108</sup>

## Equality Before and in the Law

A year after the State of Honduras ratified the CEDAW, the government contradicts itself and approves a Family Code, which still remains in effect and includes child marriage for “children under 16 years or by the existence pregnancy or when the child has conceived before reaching that age.”<sup>109</sup> By 2012, this provision enabled 34% of female children and adolescents to get married or live in lawful union.<sup>110</sup>

A clear violation of the right to equality before the law of Honduran women, is the regulation imposed to the order of last names on birth registrations; it is established that the first last name of the person to be registered will be the first paternal last name and maternal last name will be second.<sup>111</sup> The violation of this principle was recognized and ratified by the Constitutional Chamber of the Supreme Court, on November 13<sup>th</sup>, 2007. The verdict was rendered before an appeal of unconstitutionality against Article 52 of the Law on the National Registry of Persons, for contravening provisions on the Constitution of the Republic and international conventions ratified by the State of Honduras.<sup>112</sup>

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<sup>108</sup> Information provided by the LGTB Rainbow Association.

<sup>109</sup> [http://www.poderjudicial.gob.hn/juris/Leyes/Codigo%20de%20Familia%20\(actualizada-07\).pdf](http://www.poderjudicial.gob.hn/juris/Leyes/Codigo%20de%20Familia%20(actualizada-07).pdf)

<sup>110</sup> Data from the National Survey on Demographics and Health 2011-2012. National Statistics Institute (INE). See: <http://bit.ly/2c6acWC>

<sup>111</sup> Law on National Registry of Persons. Article 52: “it will be entered in the Register of Births, as a person's first last name, the paternal first last name and second, the first last name of the mother. In absence of recognition by the father, the first last name of the mother or both of her last names will be registered.”

<sup>112</sup> In its judgment the Court declares that “it is not possible therefore appeal to historical and cultural reasons to maintain the validity of a legal precept that opposes manifestly the principle of equality expressed in general, and in the case of marriage between spouses, in particular, as well as the banning on forms or discriminatory treatment for women compared with men.” Sentence also available at:

This ruling embodies the principle “*erga omnes*” of judgments declaring unconstitutionality before and in the law, therefore it derogates or expels this rule of its legal system, yet the National Register of Persons continues applying this norm illegally. It is worth mentioning that if Honduran government acted diligently, it would have promoted 8 years ago, right after the official publication of the sentence, a process of legal reform for the particular requirement of that provision on equal terms.

Another demonstration of discrimination was the constitutional amendment that explicitly prohibits marriage and adoption for same-sex couples, such reform only recognizes the right of men and women, who were naturally born as such, to marry each other.<sup>113</sup> This is a clear violation of the principle of equality and non-discrimination in a constitution that orders not to discriminate for any reason.

The reform also included several provisions on the Family Code, Code of Childhood and Adolescence, Civil Code, Criminal Code, Criminal Procedure Code and the Law Against Domestic Violence. Such modifications demonstrate the willingness and agility state institutions and the government have to reform national legislation and constitution, even when these undermine the enjoyment of human rights, but when it is about the recognitions of women’s rights, their response shows excessive delay or plain discard.

## Intersectionality

### Women Prisoners

According to the IACHR, by 2012 Honduras had a total of 409 women prisoners; however, in the country there is only one prison exclusively for women: The National Penitentiary Women’s Social Adaptation (PN-FAS) and it accommodates 200 inmates. But, information submitted by the Secretariat of National Security, it can only accommodate 164 inmates.<sup>114</sup>

The remaining 60% of women prisoners are held in “mixed” prisons, basically they operate within male prisons where the buildings have been adapted and to create an “annex” or “section” for women. In at least two of these prisons women cohabit with men. This situation is anomalous, deviant and contrary to what is established on international laws and it is exacerbated when it comes to prisons where internal control is entirely exercised

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<http://sentenciasyresolucionesjudiciales.blogspot.com/2013/07/transcripcion-integra-de-sentencia-de.html?m=1>

<sup>113</sup> Constitution reformed by Decree 176/2004 and ratified by Decree 31/2005. 112.—Only men and women, who have naturally, have that quality of such have the right to marry each other, and the legal equality as spouses. It is only valid civil marriage celebrated before a competent official and the conditions required by law. The *de facto* union is recognized between people who are equally capable to marry. The law shall specify the conditions for it to take the effects of marriage. Marriage and *de facto* unions between same sex is prohibited. Marriages or *de facto* unions between people of same sex, celebrated or recognized under the laws of other countries are not valid in Honduras.

<sup>114</sup> “Report on The Situation of Persons Deprived of Their Liberty in Honduras, ”Inter-American Commission on Human Rights. March, 2013.

male prisoners; subjecting women prisoners to a permanent risk of being abused and assaulted.<sup>115</sup> In addition to the necessary gender segregation in prisons, it is also necessary to take into account the needs and rights of lesbian women who are part of the prison population.

As for the programs of labor inclusion for women prisoners, in one of the penitentiary centers mentioned by the government in its report, it is impossible to verify the success of these programs because they do not have monitoring strategies for these women, once they leave the prison.

## Recommendations

### Institutionality:

1. The government has to ratify the Optional Protocol to CEDAW.
2. The government and all state institutions must provide the National Women's Institute with power and authority to influence the government's regulatory activity and ensure coordination with public institutions by establishing the corresponding gender units, as stipulated in the regulations of the Law on Equal Opportunities for Women.
3. To reform the Electoral and Political Organizations Law, as well as the mechanisms that put into operation the equal participation of Women on each stage of the process.
4. The Committee should request the Honduran government to ensure the representation and participation of women's movement in decision-making spaces, especially where decisions taken directly affect the bodies and lives of women.
5. To reform Article 52 of the National Registry of Persons according to the ruling by the Constitutional Chamber of the Supreme Court, issued on November 13<sup>th</sup>, 2007, allowing citizens freedom to choose the order of paternal and maternal last names when a person is being registered.

### Health:

1. The Honduran government must report the results obtained with the implementation of all regulatory frameworks and public policies that have been approved for reducing the mortality of women of reproductive age and maternal mortality.

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<sup>115</sup>"The Current Situation of People Deprived from Their Liberty in Honduras." National Commission for the Prevention of Torture, Cruel Treatment and Similar. 2013. CONAPREV



2. To report on the existence or absence of a documented indicator regarding the increment in the access to contraceptives that female adolescents have had in the last four years.
3. The Committee should recommend to the Honduran government the immediate cancellation of Ministerial Agreement No. 2744-2009 and the approval of the bill to Legalize Emergency Contraception -which includes access to information, counseling and contraceptive supplies- and has been in dictum process at the National Congress since 2014.
4. The Honduran government must promote and implement special measures for preventing the transmission of HIV and to provide adequate care for women who already have HIV, as well as initiatives to destigmatize and eliminate discrimination against women with HIV, in all areas of their lives.
5. To report on the mechanisms adopted to ensure justice for the right-holders of the Honduran Institute of Social Security and compensation measures against the damage caused, which is expressed in morbidity and mortality due to the lack of medicines.
6. To repeal the Law on Social Protection Framework, since it permanently denies the right to social security for the entire Honduran population.
7. To report on the measures that are going to be implemented in order to provide a comprehensive and effective response for women in the context of the *Zika* epidemic.

## Education:

1. To report in detail, the implementation of comprehensive sex education; describing what levels and schools is being applied.
2. To promote affirmative actions in order to reduce inequality gaps from the earliest stages of life of Honduran children and as a way to promote the empowerment of girls.
3. To assume its responsibility in implementing comprehensive sex education throughout the school year, in both public and private educational institutions. Sex Education programs should be based on the principle of non-discrimination, the principle of intersectionality and must have the scientific approaches that have been developed around this subject.

## Economy and Employment:

1. To approve the Convention 155 of the International Labor Organization on safety and health of workers, Convention 156 on workers with family responsibilities, Convention 183 of the International Labor Organization on maternity protection, Convention 184 of the International Labor Organization concerning safety and health in agriculture as well as Convention 189 and Recommendation 112 on domestic labor.
2. To carry out the necessary legislative reforms to incorporate the principle of 'equal pay for same work' in all productive areas of the country and, to conduct comparative studies within organizations and professions, concerning the equal pay for same work principle, in order to develop a comprehensive strategy on this issue.
3. To design and implement -in alliance with sexual diversity organizations- standards and inclusion policies towards LGTTBI population that are consistent with the rights set in the ICESCR and ILO Conventions. Also, to prohibit discriminatory practices that violate the right to work for people within this community.
4. To strengthen the Secretariat of Labor in order to order to comply with its role of investigating violations to labor human rights, ensuring that inspectors have free and unrestricted access to all sites of companies that are being investigated; especially those in the '*maquila*' sector and domestic work.
5. To create an inter-agency structure that focuses on the rights of domestic workers and comprised of representatives of the National Congress, the Secretariat of Labor (on behalf of the Executive Branch), social movement organizations: union, women, feminists and female domestic workers.
6. To repeal laws that are contrary to labor rights, especially the Hourly Employment Law (Legislative Decree 354-2013.)
7. To establish, through the Secretariat of Labor, a registration system to gather information on the main risks and occupational diseases that result from carrying out tasks in fields related to agricultural exports or clothing manufacturing industry and their causes.
8. The Committee should advise the Honduran government to coordinate legislation and policies related to caring labors – as in nurseries or day care centers- in order to meet the principle of progressiveness and take the necessary measures as specified by conventions against discrimination at work. It should also include the appropriate measures during breastfeeding periods.
9. To promote -through the Secretariat of Labor, the National Women's Institute and the Secretariat of Public Education- sensitization processes aimed at different contexts among Honduran population. Its goal would be to make visible the unpaid care work undertaken by women and the socio-economic contribution it means to the country.

10. To coordinate legislation with regulations and international conventions in order to properly implement the law on women with disabilities and women living with HIV/AIDS, and socialize these mechanisms on media campaigns, to create effective monitoring mechanisms and penalties to ensure compliance with those provisions created.
11. To conduct exhaustive investigations, carried out by the Secretariat of Labor and assisted by other agencies, to develop a database of companies that do not comply with the law and discriminate women with HIV/AIDS. This also implies establishing different levels of penalties depending on how severe is the action committed or if the action is recurrent. Such information should be public.
12. To ensure the participation of representatives of people with disabilities or people living with HIV / AIDS, in decision-making spaces concerning labor-related issues.
13. To create mechanisms for implementing the agreements set on the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, especially regarding compliance with international laws and conventions. This information should be widely disseminated.

#### Access to Justice:

1. To define and carry out, through the Ministry of Security and the Technical Criminal Investigation Agency of Public Prosecutions, a strategy to reopen files and / or expedite investigations of all cases of violence against women remain unpunished.
2. The government must institutionalize the *Model of Comprehensive Care for Women Victims / Survivors of Gender-Based Violence* by means of the National Congress in all major cities in the country.
3. That all state agencies in charge of investigating hate crimes against lesbian human rights defenders, conduct their investigations on their cases in accordance to their status as human rights advocates. Authorities should proceed similarly in cases of murders of lesbian human rights defenders and any other lesbian population at risk, witnesses or victims these crimes and their relatives. The necessary measures to mitigate risks should encompass the victim's partner and children -if any- as well as other close relatives.
4. The government must ensure a rigorous recruiting process for the civil servants that will work on investigating and prosecuting cases of violence against women. They should receive ongoing training on protocols and methodologies, as well as ensure their permanence to continue working on violence against women.
5. All judicial investigations of crimes against LGTTBI people, sex workers and human rights advocates, must take into account the victim's occupation as human rights advocate in all stages of the investigative process and its corresponding risk analysis. Non-discrimination and effective coordination between institutions to minimize re-victimization must be ensured as well.

6. The government must take the necessary measures to punish anyone who broadcasts or spreads messages of hatred, or incite people to hatred and discrimination, regardless of whether they are public officials, non-governmental institutions, religious institutions or media.
7. The government must ensure non-discrimination in accessing to justice. It should guarantee the security and integrity of those who report discriminatory acts to the appropriate authorities.
8. The government has to ensure that in identity parades in criminal investigations, comparisons must be lesbians with lesbians, trans people with trans people, and gay men with gay men, or at least half of the people in the parade must be of the same gender identity or sexual orientation.

#### Violence

1. It is necessary a comprehensive law on violence against women to resume discussions and contributions of women's organizations at national level without the interference of political interests. It should be a law that addresses this problem from its various causes and dimensions, regain blank spaces, strengthen existing mechanisms and promote strategies that contributes with the government to respond to the demands of Honduran women for ensuring their human right to a life free of any form of gender-based violence.
2. The government must take into account the differentiated impact that militarization strategies have on the lives of women. The presence of military officers in institutions and activities that are not corresponding to the functions of the Armed Forces must be limited to a minimum.
3. The government must create and institutionalize a protocol and a clear route in order to guide investigation processes that involve cases of disappeared female children, adolescents and women. Additionally, a national registry with data of missing people, that can be checked against information from clandestine graves and recently identified bodies should be created.
4. As a precautionary measure it is essential to assess, on a mandatory basis, history of complaints of violence against women as a requirement for the issuance of permits for bearing firearms. If the applicant has been reported for committing acts of violence against women, this privilege must be suspended immediately.

#### Intersectionality

1. A special and comprehensive legislation should be created -along with participation of human rights organizations- in order to define and regulate sex work. The inexistence of a guarantor framework for the rights of female sex workers, enables their criminalization and it becomes an obstacle to overcome stigma and discrimination.
2. The government must guarantee that women prisoners living conditions comply with their human rights.