



HONDURAS

EXECUTIVE SUMMARY

1. Violence against women is widespread and systematic in Honduras, and it affects women and girls in numerous ways. Within the country there are high levels of gun violence, domestic violence, femicide, and sexual violence. Upon completing her country mission to Honduras in July 2014, the Special Rapporteur on Violence against Women noted that “between 2005 and 2013, the number of violent deaths of women rose by 263.4%.”¹ She continued, “statistics from the Public Prosecutor’s Office reflect approximately 16,000 reported allegations of numerous manifestations of violence against women for 2012, with 74.6% related to domestic and intra-family violence, and 20% related to sexual offences.”² Rape is the most common form of sexual violence in Honduras.³ From 2009 to 2012, victims filed 82,547 domestic violence complaints, representing an average of 20,637 complaints per year, of which 92% were filed by women.⁴ These figures are consistent with 2009 data from the Public Prosecutor’s Office, which registered 16,492 allegations of numerous manifestations of violence against women in that year, with 74.5% related to domestic violence and intra-family violence, and 17.1% related to sexual offences.⁵
2. This stakeholder report addresses Honduras’ compliance with its international human rights obligations in the context of violence against women. The Honduran Government has taken some positive steps to raise awareness about violence against women and has enacted a number of laws to address gender-based violence. It has also ratified a number of international treaties relevant to its obligations to prevent acts of violence against women and hold perpetrators accountable. Nonetheless, Honduras must make additional efforts to fulfill its obligation to prevent violence against women, hold perpetrators accountable, and provide services and remedies to victims of gender-based violence. This report sets forth the challenges that remain and provides recommendations for further domestic legislation, as well as justice and legal sector reforms, to be considered during the second Universal Periodic Review of Honduras.

I. Recommendations from the 2010 Universal Periodic Review and Honduras’ Response

¹ Office of the High Commissioner for Human Rights, *Special Rapporteur on Violence against Women Finalizes Country Mission to Honduras and Calls for Urgent Action to Address the Culture of Impunity for Crimes against Women and Girls*, July 10, 2014,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14847&LangID=E>, last visited Sept. 11, 2014.

² Id.

³ Id.

⁴ Id.

⁵ Comisión Interamericana de Derechos Humanos, *Acceso a la Justicia para Mujeres Víctimas de Violencia Sexual en Mesoamérica*, Organización de los Estados Americanos, OEA/Ser.L/V/II. Doc. 63, Dec. 9, 2011, ¶ 76.

3. During the last UPR, Honduras welcomed all the recommendations it received related to violence against women. Honduras also acknowledged the special vulnerabilities to which women were exposed, as well as the institutional weaknesses for investigating human rights violations.⁶
4. In supporting the recommendations, Honduras stated that most of them either had already been implemented or were in the process of implementation. However, Honduras noted that this was not the case for the recommendations related to the revision of “its national law in order to ensure full and unhampered enjoyment of human rights by all members of society, including those belonging to the most vulnerable groups such as women” and to the ratification of the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (OP-CEDAW).⁷

II. Progress Toward Ensuring Protection of Human Rights on the Ground

⁶ UN Member-States offered Honduras many recommendations pertaining to gender-based violence: “Review its national law in order to ensure full and unhampered enjoyment of human rights by all members of society, including those belonging to the most vulnerable groups, such as women . . .” (Czech Republic); “Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, particularly Women and Children” (Ecuador); “Ensure the independence and the proper funding of the Office of the National Commissioner for Human Rights and the Institution for Children and the Family, at a time when restrictions on freedom of expression, discrimination, and gender-based and domestic violence are all on the rise” (Hungary); “Strengthen the National Institute for Women with adequate human and logistical resources to enable it to effectively discharge its role” (Ghana); “Establish national mechanisms guaranteeing full protection for women, reinforcing the necessary competencies and budget and the National Institute for Women and recognizing the legal character of the Municipal Women’s Offices” (Spain); “Continue pursuing the promotion of human rights, particularly through . . . the protection of women . . .” (Holy See); “Adopt all necessary measures to eliminate all forms of discrimination, including indirect discrimination against women; guarantee comprehensive attention to victims of gender-based violence, sexual violence, trafficking in persons and sexual exploitation” (Ecuador); “Ensure that independent, impartial and effective investigations into the unlawful use of force against women are carried out by Honduran law enforcement officials” (Ireland); “Take immediate steps to address the problems with the application of the current legislation and policies, including a lack of public funding, so as to protect the right to life, bodily integrity, liberty and security of all women” (Ireland); “Intensify actions and adopt broad measures to combat violence against women . . .” (Brazil); “Adopt effective measures to prevent gender-based violence and provide protection and assistance to victims; harmonize domestic legislation with international instruments on human trafficking” (Argentina); “Step up efforts to eradicate child abuse and domestic violence through the effective implementation of national strategies” (Indonesia); “Continue to put forward effective measures to eliminate violence against women” (Azerbaijan); “Take practical measures to combat sexist, domestic and sexual violence” (Haiti); “Put in place protection measures to prevent, combat and punish perpetrators of violence against women and children, and conduct a campaign to raise awareness on violence against women” (Canada); “Further implement policies to eliminate violence against women and children” (Thailand); “Take new actions to put an end to violence against women and to combat trafficking in human beings” (France); “Continue and enhance existing measures to protect women and children from violence, such as the training of Honduran police and the development of the dedicated Gender Unit within the police system” (Japan); “Fight against women trafficking and enhance, in this regard, regional cooperation” (Italy); “Strengthen support for victims of human trafficking” (Japan); “Take necessary steps to fight human trafficking” (Azerbaijan); “Allocate more resources to fight trafficking in human beings and support victims of trafficking and sexual exploitation” (Germany); “Strengthen the legal and judicial system in order to ensure that perpetrators of human trafficking, among others, are brought to justice” (Thailand); “Ratify (Ecuador and Spain)/sign and ratify (France)/consider ratifying (Brazil) the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.” Human Rights Council, Report of the Working Group on the Universal Periodic Review: Honduras, Jan. 4, 2011, UN Doc. A/HRC/16/10, ¶¶ 81–83.

⁷ Id. ¶ 82.

A. Honduras' Midterm UPR Report Shows Some Signs of Progress in Addressing Gender-Based Violence.

5. In its midterm UPR report to the Human Rights Council, Honduras reported that it had already compelled the competent national authorities to ratify the OP-CEDAW.⁸ Yet, at the time of this report, Honduras has neither signed nor ratified OP-CEDAW. Honduras also reported increasing the yearly budget of the National Women's Institute,⁹ but from 2012 to 2013 its budget decreased from US\$1,612,300 to US\$1,451,088.¹⁰
6. Honduras reported in its midterm UPR report that it had amended its Criminal Code and added femicide as a crime against women.¹¹ Honduras also modified its Criminal Code to add harsher penalties for sexual harassment. Honduras also amended its Criminal Code to add commission of a crime with hatred or contempt on the basis of sex or gender as an aggravating circumstance.¹²
7. Honduras also reported that it had started to implement its Second Plan for Equality and Gender Equity 2010–2022.¹³ Honduras added that it had modified its Electoral and Political Organizations' Law in order to increase women's quotas to promote their political participation.
8. Additionally, Honduras stated that its Supreme Court of Justice had established a Specialized Jurisdiction against Domestic Violence in the cities of Tegucigalpa and San Pedro Sula.¹⁴ In other cities, domestic violence cases are still reviewed by the Family Courts. Finally, Honduras mentioned that it had created a Gender Unit within the Supreme Court of Justice¹⁵ and a Specialized Unit on Women's Deaths at the Public Ministry.¹⁶
9. In 1997, Honduras adopted a special law to guarantee women their right to live free from violence, particularly from domestic violence. This law was amended in 2006 and 2013. This Law against domestic violence also includes economic violence, such as measures taken by the aggressor to wipe out the victim's economic means of subsistence and/or damage property that may belong to both partners or just to the victim.

B. Despite Some Legal Reforms to Address Gender-Based Violence, Conditions on the Ground Have Worsened for Women in Honduras.

10. The government's midterm report demonstrates that Honduras has established several laws and mechanisms to protect women from violence, but in reality, little has changed on the ground for victims of gender-based violence since the 2010 UPR.

⁸ Secretaria de Estado en los Despachos de Justicia y Derechos Humanos de la Republica de Honduras, Informe de Medio Término sobre el Avance de Cumplimiento de las Recomendaciones Formuladas al Estado de Honduras en el Marco del Examen Periódico Universal, Vigésimosegunda Sesión del Consejo de Derechos Humanos, Tegucigalpa, Mar. 18, 2013, at 7.

⁹ Id. at 11.

¹⁰ Id.

¹¹ Id. at 19.

¹² Id. at 3.

¹³ Id. at 10.

¹⁴ Id. at 18.

¹⁵ Id.

¹⁶ Id. at 17.

11. In its case intake process, The Advocates has seen a considerable increase in the number of Honduran women who have fled gender-based violence and wish to seek asylum in the United States.¹⁷ Each case is different, but their experiences confirm that the legal system and policies in place in Honduras are not protecting women from gender-based violence or providing victims with the necessary support and services. Moreover, the legal system and policies fail to hold perpetrators accountable.
12. These Honduran women have experienced gender-based violence at the hands of many people. Girls face gender-based violence from relatives and strangers. A cousin attempted to rape a girl on three occasions, when she was between the ages of 6 and 13. For 10 months, a wealthy older man relentlessly harassed a 16-year-old girl, waiting outside her school, calling her, sending her a letter, and telling her that he wanted her. After 10 months, she stopped attending school because of the harassment.
13. Young women face domestic violence from intimate partners. Several women reported that their intimate partners beat them in front of their young children. Several women reported being repeatedly raped by their boyfriends. A woman reported that her boyfriend forcibly dragged her out of buildings when he wanted to speak with her. A woman's boyfriend came home drunk, pulled out a gun, started shooting, and eventually hit the woman, causing her to be hospitalized. A woman's boyfriend dragged her out of a relative's house, where she had been taking shelter, and tried to throw her over a fence. A woman's boyfriend, who works for the government, beat her and raped her routinely. A woman's boyfriend forbade her from talking to friends, neighbors, or family, broke her telephone to cut off her means of contact, and later locked her inside the house during the day to keep her from talking to others.
14. Gang members and others threaten, abduct, assault, and rape Honduran women. Gang members threatened to kill a woman after her family could no longer afford to pay protection money for the family business. Several gang members with guns, including a local crime leader, abducted a woman off the street, threw her into a truck, and took her to the leader's house where he beat and raped her. She was abducted a total of 15 times in two months, and during each abduction was raped multiple times by the same man, who told her if she fought back the process would be bloodier for her. One perpetrator held an iron to his victim's leg during an abduction and rape, leaving a severe burn and deep scar. Several local gang members attacked a woman in her own home, beating her and ripping her clothes off, and eventually shooting and killing her brother who had come to her rescue. A vindictive neighbor drugged a woman during a party, and she woke up the next day naked and with evidence that she had been raped, but with no memory of what had happened during the party.
15. Fleeing to another part of Honduras often provides no relief. A violent ex-boyfriend sent a text message to a woman who had relocated several times to other parts of Honduras to escape his abuse, threatening to kill the woman and her daughter. A gang leader tracked down his victim in a town several hours away, threatening her with a gun to her head that she could never escape him. A woman who fled her abuser to live near her parents began

¹⁷ The information contained in the following eight paragraphs is compiled from intake interviews and other interviews conducted with Honduran women between January and May 2014. Some of the details of the cases have been removed to maintain confidentiality and to protect the identity of the women and their families.

receiving phone threats from her abuser, who said that if she did not return or if she went to the police, he would shoot and kill her. She complied with his demands and continued to be abused. A woman who had fled to live with a relative in another city after being attacked by gang members learned that her attackers were looking for her and had been questioning her neighbors. She relocated to another city but feared that she would be recognized by gang members coming there to do drug business.

16. Witnesses and others who know about the violence do nothing to stop it or to report it to authorities. The brothers of a victim of sexual assault from another family member blamed her for the incident and beat her with a belt. A victim of sexual assault within the family told her parents, but they did not believe her. Neighbors witnessed a member of the Honduran military routinely beat his girlfriend outside the home and heard her screams for help when he routinely beat and raped her indoors, yet they did nothing. A woman who had been repeatedly beaten, raped, and threatened by her boyfriend told her mother about the abuse, but the mother did nothing. A woman's family members blamed her for the abuse her intimate partner was inflicting on her and their children. A woman's brother visited the woman's home when she was being beaten by her boyfriend, but the brother simply left and did not interfere or report the events to the police. The family of one woman who had been a victim of domestic violence refused to help her because she had gone back to her abuser after other beatings. An abuser's family member once tried to intervene, but the abuser told him it was not his business so he stopped.
17. Women do not call the police for fear of retribution, particularly when their perpetrators are gang leaders or well-connected politically. One politically powerful perpetrator threatened to harm his victim's family if she told anyone. A woman feared reporting her intimate partner's abuse to the police because his family was powerful and friendly with the police. A woman whose abuser was politically well-connected feared that he would try to take her sons away from her. An abuser called his victim, who had fled, and threatened that if she went to the police, he would shoot and kill her.
18. And when women do turn to local law enforcement, they receive no support. A woman with several young children who experienced domestic violence called the police on several occasions, but they did nothing. After one incident, the police arrested the perpetrator but he was released after someone in his family posted bail.
19. Honduran women experience further gender-based violence during their flight from Honduras. A guide for a group of migrants separated out a teenage girl who was traveling alone and raped her repeatedly over the course of five days. A man offered to help a woman cross a river and then raped her in front of her two-year-old child. In recent months, The Advocates has witnessed a surge of women from Honduras seeking asylum from widespread gender-based violence. Though the women are victims of domestic violence, rape, kidnapping, and sexual abuse, they received no protection from the state and their abusers were not punished.
20. These experiences reflect the failure of the Honduran justice system actors to protect victims of domestic and sexual violence, as well as the fact that Honduran society does not expect law enforcement officials to respond adequately to complaints of violence against women. In general, domestic and sexual violence cases are handled with

“systematic indifference of the police.”¹⁸ They also reflect that women are deterred from reporting rape cases because of the lack of response from law enforcement and the criminal justice system. Even when a rape case is investigated, the perpetrator is not always punished.

C. Reports Confirm that Gender-Based Violence Is Increasing in Honduras.

Gun Violence and Femicide

21. Honduras is one of the world’s most violent countries, with towering murder rates fuelled by guns. In 2013, the overall homicide rate was 79 per 100,000, and 83% of these killings were by firearms.¹⁹ The femicide rate was 14.6 per 100,000,²⁰ and 75% of these killings were by firearms.²¹
22. Femicide rates are increasing. According to the Honduran Ombudsman, approximately 3,923 women have died in a violent way between 2002 and 2013. From 2005 to 2012, violent deaths of women steadily increased, from 175 deaths per year to 606 deaths per year, an increase of 246.3% over the past eight years.²² In 2012, 14.2 women out of every 100,000 inhabitants were killed. In other words, 1 woman was murdered every 15 hours during 2012.²³ In 2013, 629 women were killed in Honduras, or one every 13.8 hours. These figures reflect an increase of 3.8%; 23 more women were killed in Honduras during 2013.²⁴
23. In August 2008, the Special Prosecutor on Women in Honduras was created. Nonetheless, the Special Rapporteur on Violence against Women recently reported that Honduras has a 95% impunity rate for sexual violence and femicide crimes.²⁵ Moreover, even though the crime of femicide was included in the Criminal Code in 2013, authorities have not yet charged anyone with the crime. This inaction has impeded progress in the prevention, investigation, and sanction of such crimes.

Domestic Violence

24. George Redman, Oxfam’s country director in Honduras, stated that while the increase in femicides has been widely publicized, other expressions of violence against women, such

¹⁸ Annie Kelly, *Honduran police turn a blind eye to soaring number of ‘femicides,’* Guardian, May 28, 2011, <http://www.theguardian.com/world/2011/may/29/honduras-blind-eye-femicides>, last visited Sept. 11, 2014.

¹⁹ Universidad Nacional Autónoma de Honduras (UNAH) and Instituto Universitario en Democracia, Paz y Seguridad (IUDPAS), IUDPAS, Boletín 32. Enero a Diciembre de 2013, Febrero de 2014, <http://www.iudpas.org/pdf/Boletines/Nacional/NEd32EneDic2013.pdf>, last visited Sept. 15, 2014.

²⁰ *Id.*

²¹ Universidad Nacional Autónoma de Honduras (UNAH) and Instituto Universitario en Democracia, Paz y Seguridad (IUDPAS), IUDPAS, Boletín Especial sobre Muerte Violenta de Mujeres, Boletín Enero - Diciembre de 2013, Edición Especial No. 17, Enero de 2014.

²² Universidad Nacional Autónoma de Honduras (UNAH) and Instituto Universitario en Democracia, Paz y Seguridad (IUDPAS), IUDPAS, Boletín Especial sobre Muerte Violenta de Mujeres, Boletín Enero - Diciembre de 2012, Edición Especial No. 9, Enero de 2013.

²³ *Id.*

²⁴ Universidad Nacional Autónoma de Honduras (UNAH) and Instituto Universitario en Democracia, Paz y Seguridad (IUDPAS), IUDPAS, Boletín Especial sobre Muerte Violenta de Mujeres, Boletín Enero - Diciembre de 2013, Edición Especial No. 17, Enero de 2014.

²⁵ Office of the High Commissioner for Human Rights, *supra* note 1.

as domestic violence, remain in the shadows.²⁶ Honduras has specific legislation addressing domestic violence, but the law does not provide effective protection or redress from such violence. The law criminalizes domestic violence, but the only legal sanctions for the first and second offenses of domestic abuse are community service and twenty-four hour preventive detention if the violator is caught in the act.

25. Domestic violence is treated leniently and provisions are generally not enforced by the justice system. As of August 2013, the U.S. State Department reported that the Office of the Special Prosecutor for Women received 4,903 complaints of domestic abuse.²⁷ The CEDAW Committee noted that in 2006, the resolution rate of domestic violence cases was 2.55%. The failure of authorities to exercise due diligence in investigating, prosecuting and punishing perpetrators of violence against women contributes to an environment of impunity within the country.
26. In addition, according to the U.S. State Department, the government provides insufficient financial and other resources to enable domestic violence shelters to operate effectively.²⁸ In Honduras, “only one shelter is currently functioning; the two other shelters in the country have compromised security mechanisms.”²⁹ Because women lack access to shelters for victims of domestic violence, they feel additional pressure to remain in dangerous situations. They generally have no place to go other than to the homes of family members, friends, or neighbors—places where they often face continued threats and violence from their abusers.

Sexual Violence

27. In 2013, a total of 2,851 sexual violence complaints were filed, amounting to one complaint every 3 hours.³⁰ These figures, although consistent with reports since 2010, represent only a fraction of the problem; estimates reveal that the prevalence of sexual violence rose from 4.6% in 2008 to 8.6% in 2010.³¹ The right of women survivors of sexual violence to access to justice is practically nonexistent, given the fact that perpetrators are not held accountable in 94.5% of all cases.³²

Disappearances

²⁶ *Discriminación y poca investigación, causas de violencia género en Honduras*, La Tribuna, June 10, 2014, <http://www.latribuna.hn/2014/06/10/discriminacion-y-poca-investigacion-causas-de-violencia-genero-en-honduras/>, last visited Sept. 11, 2014.

²⁷ *Id.*

²⁸ U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2013: Honduras, at 17, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220453>.

²⁹ Washington Office on Latin America, *What the U.S. Government Can Do in Response to the Increase in Migration from Central America*, July 11, 2014, http://www.wola.org/commentary/recommendations_for_us_government_responses_to_the_increase_in_migration_from_central_ame, last visited Sept. 11, 2014.

³⁰ Centro de Derechos de Mujeres et al., *Feminist Organizations Report: Status of Violence Against Women in Honduras*, Submitted to the Special Rapporteur on violence against women, its causes and consequences, in her visit to Honduras, June 2014, http://www.derechosdelamujer.org/tl_files/documentos/derechos_humanos/Violence-Women-Honduras-RapporteurONU-June2014.pdf, last visited Sept. 11, 2014.

³¹ *Id.*

³² *Id.*

28. The number of complaints lodged for the disappearance of women jumped from 91 in 2008 to 347 in 2013.³³ These data indicate a 281% hike in the cases of women, girls, and adolescents reported as disappeared at the national level over the last 6 years.³⁴ Moreover, there have been 155 additional complaints filed for crimes that imply disappearances, such as unjust deprivation of liberty, kidnapping, and human trafficking.³⁵

III. Recommendations

29. The Advocates, IANSA, and CLADEM-H suggest the following recommendations for the Honduran Government:

- End impunity for femicide, domestic violence, rape, and sexual assault by ensuring accountability and punishing perpetrators of those crimes against women.
- Strengthen the criminal justice response to gender-related killing of women and girls, in particular measures to support its capacity to investigate, prosecute, and punish all forms of such crime and provide reparation and/or compensation to victims and their families or dependents, as appropriate.
- Establish a comprehensive program to protect women from violence, including public education, aggressive prosecutions, and training for law enforcement, investigators, prosecutors, judges, and educators.
- Prohibit the acquisition, possession, and carrying of firearms by people subject to complaints of domestic, family, or gender-based violence, regardless of whether a criminal conviction has been recorded. Require the seizure and destruction of firearms in possession of people subject to complaints of domestic, family, or gender-based violence.
- Reform the gun law (Ley de Control de Armas de Fuego, Municiones, Explosivos y otros Similares) to include:
 - more stringent requirements for gun licensing and registration;
 - reduction of the maximum number of guns a civilian can possess or carry (current maximum is 5);
 - establishment of 25 years as the minimum age for possessing or carrying a gun;
 - limits on the amount of ammunition that a person may buy; and
 - a prohibition on the purchase of ammunition for any gun for which the purchaser does not have a valid license.
- Develop and support comprehensive public awareness campaigns, prevention programs, and educational programs in schools and other community organizations to combat public acceptance of the proliferation and misuse of guns and to change the public acceptance of domestic violence.

³³ Id.

³⁴ Id.

³⁵ Id.

- Hold gun destruction campaigns linked to significant dates for women’s safety, such as March 8, September 21, and November 25.
- Enact legislation that allows victims of gender-based violence to bring civil lawsuits against family member perpetrators, regardless of whether criminal charges are also brought.
- Enact legislation allowing survivors to bring civil lawsuits against individuals and state entities that fail to prevent, investigate, or punish acts of gender-based violence.
- Enact legislation mandating that police, prosecutors, and the judiciary investigate the level of risk to domestic violence victims.
- Ensure that laws, policies, procedures, and practices pertaining to decisions on the arrest, detention, and terms of any form of release of the perpetrator take into account the need for the safety of the victim and other people related through family, socially, or otherwise, and that such procedures also prevent further acts of violence.
- Establish crisis centers throughout the country for victims of sexual abuse and domestic violence.
- In determining bail in cases of violations of protection orders, ensure that police and judicial officials make determinations about victim safety, including the threat that the violent offender presents to the complainant/survivor, her family, and her associates, and place conditions upon the release of the offender that reflect these concerns.
- Enact legislation providing effective sanctions against all authorities who do not comply with the provisions of the legislation in order to ensure that officials charged with implementing the legislation fulfill their responsibilities.
- Provide shelters for victims of gender-based violence with sufficient and regular funding to realistically carry out their work.
- Ensure gender-equitable representation in the police force and other agencies of the justice system, particularly at the decision-making and managerial levels.
- Work to increase the coordinated community response among nongovernmental organizations, police, courts, health care providers, and the media.
- Establish, fund, and coordinate services such as toll-free information lines, professional multidisciplinary counseling, crisis intervention services, and support groups in order to benefit women who are victims of violence and their children.