



**Honduras' Compliance with the Convention on the Elimination of All Forms of  
Discrimination Against Women**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

**for the 83rd Session of the Committee on the Elimination of All Forms of Discrimination  
Against Women**

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**The Advocates for Human Rights** (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. A growing number of victims fleeing human rights violations from Honduras have requested legal assistance from The Advocates in applying for asylum in the United States. First-hand information from asylum-seekers about the human rights violations that they experienced in Honduras since the last review in 2016 has been used with their permission in this submission.

## EXECUTIVE SUMMARY

### Honduras fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women

#### I. Honduras fails to prevent and address discrimination based on sexual orientation or gender identity. (List of Issues para. 4)

1. In its 2021 List of Issues, the Committee on the Elimination of All Forms of Discrimination Against Women (“the Committee”) requested further information on measures taken to adopt comprehensive anti-discrimination laws to address specific discrimination that women face.<sup>1</sup> CEDAW specifically requested information on “legislative and policy measures” to address discrimination against women under the new Criminal Code, which criminalizes discrimination on the grounds of sexual orientation and gender identity, among other grounds.<sup>2</sup>
2. In its Replies to the List of Issues, Honduras cited the Electoral Act and a bill proposing legislation to combat violence against women.<sup>3</sup> The State did not mention any measure regarding discrimination based on sexual orientation and gender identity.
3. One of our clients, a Garifuna woman, reported systemic discrimination against Afro-descendant and Garifuna people in Honduras. The client alleged that police officers fail to investigate crimes against and protect the Garifuna community. The police, she says, “pay no mind” to crimes in the Garifuna community and have an attitude that these crimes are “crimes between black people.”<sup>4</sup> The organizations Global Witnesses<sup>5</sup> and *Iniciativa Mesoamericana de Defensoras de Derechos Humanos*<sup>6</sup> reported that authorities failed to investigate the disappearances of members of the Garifuna community.
4. Honduras also fails to guarantee positive measures to overcome systemic discrimination on the grounds of sexual orientation and gender identity in the country.<sup>7</sup> The network RedLaCTrans reports that “health centers in Honduras do not provide [...] adequate treatment to trans people”<sup>8</sup> Honduras fails to guarantee positive measures such as the provision of trained

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<sup>1</sup> Committee on the Elimination of All Forms of Discrimination Against Women, *List of Issues and questions in relation to the ninth periodic report of Honduras*, (16 July 2021), U.N. Doc. CEDAW/C/HND/Q/9, ¶4(a).

<sup>2</sup> Committee on the Elimination of All Forms of Discrimination Against Women, *List of Issues and questions in relation to the ninth periodic report of Honduras*, (16 July 2021), U.N. Doc. CEDAW/C/HND/Q/9, ¶5(b).

<sup>3</sup> Committee on the Elimination of All Forms of Discrimination Against Women, *Responses of Honduras to the list of issues and question in relation to its ninth periodic report*, (11 Apr. 2022), U.N. Doc. CEDAW/C/HND/RQ/9. ¶¶11, 12.

<sup>4</sup> Interview by The Advocates 2021.

<sup>5</sup> Press Release, Global Witness, Global Witness demands an urgent investigation into the disappearances of members of the Garifunas community in Honduras (1 August 2020). Available at: <https://www.globalwitness.org/en/press-releases/global-witness-demands-an-urgent-investigation-into-the-disappearances-of-members-of-the-garifunas-community-in-honduras/>

<sup>6</sup> Press Release, *¿Hagaña-san? ¿Dónde están? A dos años de la desaparición forzada de cuatro jóvenes garifunas seguimos exigiendo respuestas.* (19 July 2022). Available at: <https://im-defensoras.org/2022/07/hagana-san-donde-estan-a-dos-anos-de-la-desaparicion-forzada-de-cuatro-jovenes-garifunas-seguimos-exigiendo-respuestas/>

<sup>7</sup> IACtHR, Vicky Hernández et al. v. Honduras.

<sup>8</sup> REDLACTRANS, 2021 Regional Report of the Center For Documentation And Trans Situation Of Latin America And The Caribbean (Cedostalc), p. 18. Available at: <http://redlactrans.org.ar/site/we-are-not-dying-we-are-being-killed-cedostalc-regional-report-2021/>

professionals in sex confirmation surgeries, and comprehensive protocols for hormone replacement therapy.<sup>9</sup>

## **II. Honduras fails to protect women from gender-based violence. (List of Issues, para. 11)**

5. In its 2021 List of Issues, the Committee noted that there is a high prevalence of gender-based violence in Honduras, including femicides and violence against lesbian, bisexual, and transgender women.<sup>10</sup> The Committee requested further information on measures taken to prevent gender-based violence in all its forms, provide remedies to victims, and provide statistics on cases of gender-based violence in the State.<sup>11</sup>
6. In its Response to the List of Issues, Honduras noted that it is currently drafting legislation to combat violence against indigenous and Afro-Honduran women as well as other vulnerable women.<sup>12</sup> Honduras also mentioned 675 training sessions in 2018 and 2019 conducted on gender-based violence against vulnerable women.<sup>13</sup>

### ***Femicide***

7. Despite these steps, violence against women remains a significant problem in Honduras. Honduras has the second-highest rate of femicide in Latin America with a woman killed, on average, every 23 hours, and domestic partners making up 60 percent of the perpetrators.<sup>14</sup>
8. Violence against women is perpetrated both by private and public actors. The February 2021 femicide of Keyla Martínez Rodríguez drew international attention. Martínez Rodríguez, a nursing student who was arrested for violating the national COVID-19 curfew, died of strangulation while in police custody.<sup>15</sup>

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<sup>9</sup> REDLACTRANS, 2021 Regional Report of the Center For Documentation And Trans Situation Of Latin America And The Caribbean (Cedostalc), p. 18. Available at: <http://redlactrans.org.ar/site/we-are-not-dying-we-are-being-killed-cedostalc-regional-report-2021/>

<sup>10</sup> Committee on the Elimination of All Forms of Discrimination Against Women, *List of Issues and questions in relation to the ninth periodic report of Honduras*, (16 July 2021), U.N. Doc. CEDAW/C/HND/Q/9, ¶11.

<sup>11</sup> Committee on the Elimination of All Forms of Discrimination Against Women, *List of Issues and questions in relation to the ninth periodic report of Honduras*, (16 July 2021), U.N. Doc. CEDAW/C/HND/Q/9, ¶11(a)(e)(g).

<sup>12</sup> Committee on the Elimination of All Forms of Discrimination Against Women, *Responses of Honduras to the list of issues and question in relation to its ninth periodic report*, (11 Apr. 2022), U.N. Doc. CEDAW/C/HND/RQ/9. ¶33.

<sup>13</sup> Committee on the Elimination of All Forms of Discrimination Against Women, *Responses of Honduras to the list of issues and question in relation to its ninth periodic report*, (11 Apr. 2022), U.N. Doc. CEDAW/C/HND/RQ/9. ¶35.

<sup>14</sup> Human Rights Watch, “Honduras: Events of 2020,” accessed June 7, 2021, <https://www.hrw.org/world-report/2021/country-chapters/honduras>.

<sup>15</sup> Marlon González, “Honduras investigates police in case of murdered student,” accessed June 4, 2021, <https://apnews.com/article/tegucigalpa-honduras-health-coronavirus-pandemic-arrests-746174e9327b4fc22ae820e64e2ff4d8>.

### *Domestic violence*

9. Although femicides fell by nearly 50 percent during the COVID-19 pandemic, reports of domestic violence greatly increased.<sup>16</sup> Reports of domestic violence to the National Emergency System's call center, for example, were expected to surpass 100,000 in 2020.<sup>17</sup>
10. Although there is a law to address violence against women, research shows that it has not effectively curbed rates of domestic violence. The Latin America Working Group Education Fund found "no significant reduction of domestic violence" since the Reformed Law on Violence Against Women was implemented in 2006.<sup>18</sup> Data from the Honduran Courts of Peace and Letters show that between 2008 and 2015, Honduras experienced a 390% increase in cases of domestic violence.<sup>19</sup>

### *Lack of Accountability*

11. The UN Working Group on the Issue of Discrimination Against Women in Law and Practice reported that the government had created gender units in police forces, the Inter-Institutional Commission on Femicide, and the Ciudad Mujer services project to address gender-based violence against women.<sup>20</sup> Despite these efforts, a general fear of reporting and lack of responsiveness to reports contributes to pervasive domestic violence and femicides.
12. Lack of accountability exacerbates the problem of femicide. Perpetrators of femicide avoided punishment in 90 percent of femicides over the last 15 years.<sup>21</sup> High rates of impunity can be attributed to a lack of reporting due to economic dependence on the aggressor, delayed processing from law enforcement and judicial officials, insufficient training, and limited financial resources.<sup>22</sup>
13. The experiences of The Advocates' asylum clients illustrate the failure of Honduran State agencies to respond to complaints and adequately protect women. Ms. D is a 49-year-old Honduran woman who, along with her children, experienced physical and sexual abuse from her partner between 2004 and 2017. Her partner regularly beat and raped her and on a number of occasions threatened her with his gun. After Ms. D ended the relationship, the perpetrator continued to come to her house and attack her, refusing to accept that the relationship had ended. In 2017, Ms. D filed a human rights complaint with the National Directorate of Criminal Investigation (DGIC). She had resisted filing earlier due to threats from her partner that he would kill her if she tried to bring charges against him. By filing a complaint, Ms. D wanted her partner to be arrested. The DGIC, a State actor, did nothing in response to her complaint.

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<sup>16</sup> U.S. Department of State, "2020 Country Report on Human Rights Practices: Honduras," accessed June 3, 2021, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/honduras/>.

<sup>17</sup> *Ibid.*

<sup>18</sup> Latin America Working Group Education Fund, "Left in the Dark: Violence Against Women and LGBTI Persons in Honduras and El Salvador," accessed Jul. 18, 2019, <https://www.lawg.org/left-in-the-dark-violence-against-women-and-lgbti-persons-in-honduras-and-el-salvador/>.

<sup>19</sup> *Ibid.*

<sup>20</sup> United Nations Human Rights Office of the High Commissioner, "Honduras: Results from Women's Rights Progress Long Overdue, Say Experts," Nov. 14, 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23875&LangID=E>.

<sup>21</sup> U.S. Department of State, "2020 Country Report on Human Rights Practices: Honduras", *supra* note 12.

<sup>22</sup> *Ibid.*

14. Ms. P is a Honduran woman whose case demonstrates the barriers women face in reporting abuse to state agencies. Ms. P met her boyfriend in 2016 when she was 16 and he was 18. After dating for two months, they moved in together. Her boyfriend became violent toward her and began to abuse her frequently. Her boyfriend was the head of the local gang. When the abuse began, he told her that it was because he “owned” her. The first time he abused her, he told her, “I am going to kill you.” He also hit their son. Ms. P went to the hospital two times after her boyfriend had hit her head severely. He rarely let Ms. P leave the house and he prohibited her from seeing her family. She never sought police help because she was aware that gangs pay the police off.

### **III. Honduras fails to protect children from child labor. (List of Issues, para. 13)**

15. In its 2021 List of Issues, the Committee requested further information on the prevalence of trafficking in Honduras, specifically “forced labor or recruitment of persons under 18 years of age for criminal activities.”<sup>23</sup>

16. In its Response to the List of Issues, Honduras reported that between 2016 and 2020, the Inter-Agency Commission for Prevention of Commercial Sexual Exploitation and Trafficking of Children and Adolescents identified 490 victims of trafficking and noted that all these victims received “direct protection and care services.”<sup>24</sup> Honduras also noted that it signed an agreement with the International Centre for Missing and Exploited Children.<sup>25</sup>

17. Despite these efforts, gang violence remains prevalent and widespread within and around the urban areas of Honduras.<sup>26</sup> Human Rights Watch reports that these issues are compounded by weak state institutions and bolstered by allegations of collusion between security forces and gangs.<sup>27</sup> The director of the Observatory of Violence at the National Autonomous University of Honduras noted that weak social policies and institutions fail to gain control of the territory currently run by gangs.<sup>28</sup>

18. In their exercise of territorial control, gangs forcibly recruit and sexually abuse children.<sup>29</sup> Those who resist recruitment are killed, raped, displaced, or disappeared.<sup>30</sup> Gangs’ recruitment of children has forced many children to abandon school, with reports showing that the average

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<sup>23</sup> Committee on the Elimination of All Forms of Discrimination Against Women, *List of Issues and questions in relation to the ninth periodic report of Honduras*, (16 July 2021), U.N. Doc. CEDAW/C/HND/Q/9, ¶13.

<sup>24</sup> Committee on the Elimination of All Forms of Discrimination Against Women, *Responses of Honduras to the list of issues and question in relation to its ninth periodic report*, (11 Apr. 2022), U.N. Doc. CEDAW/C/HND/RQ/9. ¶56.

<sup>25</sup> Committee on the Elimination of All Forms of Discrimination Against Women, *Responses of Honduras to the list of issues and question in relation to its ninth periodic report*, (11 Apr. 2022), U.N. Doc. CEDAW/C/HND/RQ/9. ¶59.

<sup>26</sup> Human Rights Watch, *World Report 2022: Events of 2021* (Human Rights Watch, 2022), 308.

<sup>27</sup> Human Rights Watch, *World Report 2022: Events of 2021* (Human Rights Watch, 2022), 308.

<sup>28</sup> The Guardian, “Gangsters killed Maria’s sister in Honduras. A note on the door told her she was next” by Sarah Johnson, Jun. 21, 2022, <https://amp.theguardian.com/global-development/2022/jun/21/gangsters-killed-marias-sister-in-honduras-a-note-on-the-door-told-her-she-was-next->

<sup>29</sup> The Guardian, “Gangsters killed Maria’s sister in Honduras. A note on the door told her she was next” by Sarah Johnson, Jun. 21, 2022, <https://amp.theguardian.com/global-development/2022/jun/21/gangsters-killed-marias-sister-in-honduras-a-note-on-the-door-told-her-she-was-next->

<sup>30</sup> Human Rights Watch, *World Report 2022: Events of 2021* (Human Rights Watch, 2022), 308.

age at which children first are in contact with gangs is 13 years old.<sup>31</sup> Consequently, children have limited access to education, with only 50% of children attending school in 2019.<sup>32</sup>

19. Reports also indicate that the Honduran Government did not sufficiently prevent child labor.<sup>33</sup> Human Rights Watch reported that more than 360,000 children between 5 and 17 years old were working in 2019.<sup>34</sup> Children of indigenous and Afro-descendent communities and those in rural areas remain particularly at risk of forced labor in industries such as agriculture and construction. These children are also at heightened risk of commercial sexual exploitation.<sup>35</sup>

#### **IV. Honduras does not uphold the right of women to adequate employment. (List of Issues, para. 18)**

20. In its 2021 List of Issues, the Committee requested further information on measures taken to promote formal employment for women, including progress made toward passing the Wage Equality Act and providing social protection to women working in the informal sector.<sup>36</sup>
21. In its Response to the List of Issues, Honduras cited several initiatives it has taken to improve formal employment for women.<sup>37</sup> The State did not provide information on measures taken to improve access to adequate employment for transgender women.
22. Several of The Advocates' clients who are transgender women described Honduras as lacking effective measures for improving access to employment and healthcare safety nets. Transgender women are not guaranteed access to jobs. In interviews, clients report that in small towns, it is particularly difficult to secure employment.<sup>38</sup> Several employers asked our clients to dress like men as a condition of employment.<sup>39</sup>
23. The Honduran Council of Private Enterprise (COHEP) reports that more than 185 thousand Honduran women are unemployed. COHEP stresses that “the participation rate of the working age population reaches 74.3 percent, while for women it is 48.3 percent in 2021.”<sup>40</sup>
24. Women's participation in economic life continues to be very low relative to men. The Working Group on the issue of discrimination against women in law and in practice reported a 35 percent

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<sup>31</sup> Human Rights Watch, *World Report 2022: Events of 2021* (Human Rights Watch, 2022), 313.

<sup>32</sup> Human Rights Watch, *World Report 2022: Events of 2021* (Human Rights Watch, 2022), 313.

<sup>33</sup> U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 23.

<sup>34</sup> Human Rights Watch, *World Report 2022: Events of 2021* (Human Rights Watch, 2022), 313.

<sup>35</sup> U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 23–25.

<sup>36</sup> Committee on the Elimination of All Forms of Discrimination Against Women, *List of Issues and questions in relation to the ninth periodic report of Honduras*, (16 July 2021), U.N. Doc. CEDAW/C/HND/Q/9, ¶18(a)(b)(e).

<sup>37</sup> Committee on the Elimination of All Forms of Discrimination Against Women, *Responses of Honduras to the list of issues and question in relation to its ninth periodic report*, (11 Apr. 2022), U.N. Doc. CEDAW/C/HND/RQ/9. ¶187.

<sup>38</sup> Interviews by The Advocates 2021.

<sup>39</sup> Interviews by The Advocates 2021.

<sup>40</sup> La Tribuna, “Alrededor de 185 mil mujeres según el Cohep” Aug. 6 2022. <https://www.latribuna.hn/2022/08/06/alrededor-de-185-mil-mujeres-desempleadas-segun-el-cohep/>

difference between men and women in labor force participation.<sup>41</sup> In informal occupations, like domestic service, women are vulnerable and lack legal protection.<sup>42</sup>

25. The Honduran Government fails to effectively enforce occupational safety, health standards, and adequate working conditions.<sup>43</sup> In agriculture, domestic service, and security industries, Honduran employers do not ensure maternity rights or pay minimum wage and overtime.<sup>44</sup> These industries have a particularly high number of employees working additional hours.<sup>45</sup> In female-dominated sectors like the *maquila*, women report widespread labor rights violations, such as experiencing harassment, exploitation and little rest, insufficient food breaks and access to water, and extra working hours.<sup>46</sup>
26. The Honduran Government lacks enforcement mechanisms for labor laws, including failing to verify employers' compliance with laws regarding employee unionization and ensuring workers can exercise their rights to engage in collective bargaining without difficulty.<sup>47</sup> Reports also indicate that the Government and Honduran law insufficiently prevented forced labor violations, including labor violations against children.<sup>48</sup>

## V. Suggested recommendations for the government of Honduras

27. The authors of this report suggest the following recommendations for the government of Honduras:

- Ensure that police compile and publish data on an annual basis about all reported acts of violence and threats of violence allegedly based on sexual orientation or gender identity, as well as any action to investigate and prosecute such actions.
- Implement measures that combat impunity in violence based on sexual orientation and gender identity and repair the victims.
- Actively recruit and hire LGBTQI+ individuals. Especially increase the employment of LGBTQI+ individuals in healthcare settings to help expand access to non-discriminatory healthcare for LGBTQI individuals.

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<sup>41</sup> Human Rights Council, *Visit to Honduras: Report of the Working Group on the issue of discrimination against women in law and in practice*, (May 8, 2019), U.N. Doc. A/HRC/41/33/Add.1, ¶37.

<sup>42</sup> Human Rights Council, *Visit to Honduras: Report of the Working Group on the issue of discrimination against women in law and in practice*, (May 8, 2019), U.N. Doc. A/HRC/41/33/Add.1, ¶37; US State Report 2021 p.18.

<sup>43</sup> U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 26.

<sup>44</sup> U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 26.

<sup>45</sup> U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 26.

<sup>46</sup> Human Rights Council, *Visit to Honduras: Report of the Working Group on the issue of discrimination against women in law and in practice*, (May 8, 2019), U.N. Doc. A/HRC/41/33/Add.1, ¶41

<sup>47</sup> U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 22.

<sup>48</sup> U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Honduras* (2022), 23.

- Ensure that all healthcare providers are appropriately trained and educated on sexual orientation and gender identity, treating individuals of varying sexual orientations and gender identities, and treating HIV-positive patients.
- Create and implement training programs on sexual orientation and gender identity, discrimination in the workplace, and workplace standards and laws for countering discrimination. Ensure that all government and employees attend these trainings.
- Work to dispel cultural attitudes, disinformation, and biases towards the LGBTQI+ community.
- Support and fund community-based hotlines, shelters, and other organizations that provide cultural support, education, and crisis services to women, girls and non-binary people dealing with domestic abuse, sexual harassment, or other forms of gender-based violence.
- Develop a mandatory gender-based violence curriculum to be implemented in primary and secondary schools across Honduras. Ensure that the curriculum discusses topics related to intimate partner violence, the dangers of child marriage, gender stereotypes, the role of gangs in perpetrating violence against women, and women's fundamental rights.
- Implement public policies that protect children and girls from any practices that jeopardize their access and enjoyment to education and a life free of violence.
- Strengthen the criminal justice response to femicides. Develop measures to support law enforcement and the judiciary's capacity to investigate, prosecute, and punish all forms of such crimes and provide reparation and/or compensation to victims and their families or dependents, as appropriate.