



**Honduras' Compliance with the Convention on the Elimination of All Forms of
Discrimination against Women
Suggested List of Issues Relating to Violence Against Women**

Submitted by The Advocates for Human Rights

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

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Women (Pre-Sessional Working Group)
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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental 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. Recently, a growing number of women from Honduras who have fled gender-based violence have requested legal assistance from The Advocates in seeking asylum in the United States.

EXECUTIVE SUMMARY

1. Honduras has made some improvements since its most recent review by the Committee on the Elimination of Discrimination against Women (Committee), but widespread and systematic violence against women persists. In 2019, the Report of the Working Group on the issue of discrimination against women in law and in practice noted that “violence against women is rampant in the country, fuelled by inequality, insecurity and impunity, and the lack of socioeconomic opportunities.”¹ Honduras has a high femicide rate; the Violence Observatory of the National Autonomous University of Honduras reported that in 2017, 338 women were murdered.² These human rights violations largely occur with impunity; according to the *Centro de Derechos de la Mujer* (CDM), in 95% of the femicides committed between 2017 and the first weeks of 2018, no person has been held accountable.³
2. This report includes firsthand information gathered from former and current clients of The Advocates along with secondary source research.

Honduras fails to uphold its obligations under the Convention on the Elimination of Discrimination against Women (CEDAW)

I. Violence Against Women

3. As a State Party to CEDAW, Honduras is obligated to protect women from all forms of gender-based violence against women, including mental or sexual harm, threats, or other forms of coercion (Article 1, 2).⁴ Moreover, Honduras is obligated to treat women and men equally before the law.⁵
4. In its 2016 Concluding Observations, the Committee welcomed Honduras’ progress in addressing gender-based violence against women through the adoption of the Second plan for gender equality and equity and the National plan against violence against women.⁶ Despite this progress, the Committee expressed concern about the “persistent impunity for acts of violence against women, sexual violence and femicide” and “underreporting of violence against women, owing to the fear of retaliation and lack of trust in the authorities.”⁷
5. In the 2021 report submitted by Honduras, the State Party asserted that the “judicial branch’s 2017-2021 Institutional Strategic Plan provides for steps to ensure transparent, impartial,

¹ Office of the High Commissioner for Human Rights, 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, ¶ 53.

² 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-againstwomen-and-lgbti-persons-in-honduras-and-el-salvador/>.

³ *Ibid.*

⁴ Convention on the Elimination of Discrimination Against Women, 1979, Art. 1.; Committee on the Elimination of Discrimination Against Women, General Recommendation No. 19: Violence Against Women, (1992) U.N. Doc. INT_CEDAW_GEC_3731_E, ¶ 6.

⁵ Convention on the Elimination of Discrimination Against Women, 1979, Art. 15.

⁶ Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined seventh and eighth periodic reports of Honduras, adopted by the Committee at its 1447th and 1448th meetings* (3 November 2016), U.N. Doc. CEDAW/C/HND/CO/7-8, ¶ 5(a) and (b).

⁷ *Ibid.*, 22(a) and (d).

modern and effective judicial services that promote certainty and trust.”⁸ Further, the State Party notes that the new criminal code frames femicide in the “context of unequal power relations between men and women based on gender” and “establishes as the penalty a prison sentence of from 20 to 25 years.”⁹

A. Femicide

6. 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.¹⁰
7. 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 while in police custody of strangulation.¹¹

B. Domestic Violence

8. Although femicides fell by nearly 50 percent during the COVID-19 pandemic, reports of domestic violence greatly increased.¹² Reports of domestic violence to the National Emergency System’s call center, for example, were expected to surpass 100,000 in 2020.¹³
9. Although there is a law to address violence against women, research shows that it has not effectively stemmed the 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 2006.¹⁴ 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.¹⁵

C. Lack of Accountability

10. 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 Cuidad Mujer services project to address gender-based

⁸ Committee on the Elimination of Discrimination against Women, Ninth periodic report submitted by Honduras under article 18 of the Convention, due in 2020, (17 December 2020), UN Doc. CEDAW/C/HND/9, ¶ 29.

⁹ Ibid, ¶ 92.

¹⁰ Human Rights Watch, “Honduras: Events of 2020,” accessed June 7, 2021, <https://www.hrw.org/world-report/2021/country-chapters/honduras>.

¹¹ 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>.

¹² 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/>.

¹³ Ibid.

¹⁴ 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/>.

¹⁵ Ibid.

violence against women.¹⁶ Despite these efforts, a general fear of reporting and lack of responsiveness to reports contributes to pervasive domestic violence and femicides.

11. Lack of accountability exacerbates the problem of femicide. Perpetrators of femicide avoided punishment in 90 percent of femicides over the last 15 years.¹⁷ 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.¹⁸
12. 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, he 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. In filing her complaint, Ms. D wanted her partner to be arrested. The DGIC, a State actor, did nothing in response to her complaint.
13. 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. She went to the hospital two times after he 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.

14. Suggested questions relating to violence against women:

- Please provide information on the charges, acquittals, and sentences of domestic violence offenders.
- What policies and procedures are in place to ensure that victims of domestic violence are protected from their abusers, even without the involvement of criminal authorities? To what extent do these procedures allow for removal of the abuser, no contact in any way with the applicant, and for children to stay in the home with the applicant? What other measures does the State Party take to ensure the safety of victims of domestic violence apart from criminal measures?
- Please provide disaggregated data about domestic violence cases over the reporting period, separating cases by the gender, age, ethnic background, and relationships status of both the victim and the offender.

¹⁶ 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>.

¹⁷ U.S Department of State, "2020 Country Report on Human Rights Practices: Honduras", *supra* note 12.

¹⁸ *Ibid*.

- Please provide disaggregated data about femicide cases over the reporting period, separating cases by the gender, age, ethnic background, and relationship status of both the victim and the offender.
- Please provide information on the number of temporary preventive restraining orders issued by the police in the reporting period. Please also provide information about the preventive restraining orders issued by the court, as a percentage of the total respective cases initiated.
- How many shelter beds or positions are available to victims of domestic violence? In addition to the seven shelters in the main cities, are there shelters accessible to individuals living in rural areas?¹⁹ How does the State Party ensure that victims of domestic violence receive social and legal assistance proportionate to the scope of the need? What policies and procedures are in place to ensure that such assistance is accessible to victims and to minimize barriers to eligibility? What forms of emergency financial assistance exist for victims of domestic violence?
- What steps, if any, has the State Party taken to prioritize the safety of domestic violence victims during the coronavirus pandemic?

¹⁹ Committee on the Elimination of Discrimination against Women, Ninth periodic report submitted by Honduras under article 18 of the Convention, due in 2020, *supra* note 8, ¶ 85.