



Honduras
Stakeholder Report for the United Nations Universal Periodic Review

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status

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Founded in 1983, **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. 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 publication. 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 and LGBTI individuals from Honduras who have fled gender-based violence have requested legal assistance from The Advocates in seeking asylum in the United States.

I. EXECUTIVE SUMMARY

1. Honduras has made improvements since its second Universal Periodic Review, but widespread and systematic violence against women persists. In 2015, the Special Rapporteur on violence against women reported a “climate of fear, in both the public and private spheres, and a lack of accountability for violations of human rights of women are the norm, despite legislative and institutional developments” in Honduras.¹ The Special Rapporteur observed that 27% of women between the ages of 15 and 49 had reported experiencing domestic violence within their households. 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. LGBTI individuals and human rights defenders are at particular risk for human rights violations in Honduras. The Special Rapporteur on the situation of human rights defenders observed that between 2008 and 2018, at least 295 LGBTI individuals—including 11 LGBTI human rights defenders—have been murdered in Honduras.⁴ LGBTI human rights defenders also report that the media promotes discrimination and the state fails to constrain such actions.⁵ Gang violence compounds safety concerns of an already vulnerable LGBTI community.⁶
3. This report, while not comprehensive, includes firsthand information gathered from former and current clients of The Advocates along with secondary source research.

II. BACKGROUND AND FRAMEWORK

A. 2015 Universal Periodic Review of Honduras

1. *Violence against women and gender-based violence*

Status of Implementation: Partially Accepted, Partially Implemented

4. Honduras either supported or claimed to have already implemented 23 of the 24 recommendations related to reducing gender-based violence and violence against women. Recommendations included protecting victims,⁷ investigating such cases and holding perpetrators accountable,⁸ and taking pre-emptive prevention measures.⁹
5. While Honduras has taken steps toward protecting women and preventing gender-based violence since its last UPR, more measures must be implemented to achieve parity and security for women.
6. Honduras noted without comment recommendations from France and Germany to “Sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, establishing a communication mechanism in order to strengthen the tools in the fight against violence and discrimination against women (France); take additional steps to guarantee equal access for women to appropriate health services, especially sexual and reproductive health services, and ratify the Optional

Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Germany).”¹⁰ Honduras has not ratified the Optional Protocol.

2. *LGBTI Rights*

Status of Implementation: Accepted, Not Implemented

7. Honduras accepted six recommendations it received related specifically to LGBTI rights. Honduras supported Uruguay’s recommendation to “[i]mplement policies and programs that promote tolerance and non-discrimination against lesbian, gay, bisexual, transgender, and intersex persons, and to guarantee the compliance with the current norms in order to punish offences and violence motivated by prejudices.”¹¹ Slovenia made a similar recommendation that Honduras “[u]ndertake awareness-raising campaigns and programmes to promote tolerance and to address violence against lesbian, gay, bisexual, transgender and intersex persons.”¹² Brazil recommended Honduras “[s]trengthen its national institutions in charge of the promotion and protection of human rights, with a view to fostering access to justice, particularly for the most vulnerable groups, such as...the lesbian, gay, bisexual, transgender and intersex community,”¹³ and Austria made a recommendation to “strengthen protection for lesbian, gay, bisexual, transgender and intersex persons.”¹⁴ Similarly, Norway recommended that Honduras make further efforts to investigate, prosecute and punish “hate crimes against lesbian, gay, bisexual, transgender and intersex persons,”¹⁵ while Australia recommended that Honduras “[e]nsure freedom of expression and take steps to end threats and attacks against journalists and human rights defenders, including lesbian, gay, bisexual, transgender and intersex defenders.”¹⁶ Honduras supported Colombia’s recommendation to “[c]ontinue with the effective implementation of measures to combat discrimination and violence based on sexual orientation and gender identity, particularly, through the implementation of differentiated approaches to guarantee the enjoyment of rights of lesbian, gay, bisexual, transgender and intersex persons.”¹⁷ Honduras has not implemented these recommendations.

B. Domestic Legal Framework

1. LGBTI Rights

8. Discrimination against LGBTI individuals is illegal under Article 321 of the Honduran Penal Code.¹⁸ Honduras currently has no process allowing transgender individuals to change their name and gender on official documents.

2. Violence Against Women

9. The 2006 Reformed Law on Violence Against Women, amended in 2013, is the only law that directly addresses violence against women. This law includes both physical and economic violence, and while perpetrators are penalized with two to four years of imprisonment, “the only legal sanctions for the first offense of domestic abuse is community service and 24-hour preventive detention if the violator is caught in the act.” Article 118-A of the Criminal Code makes femicide an offense carrying a sentence of 30-40 years’ imprisonment.¹⁹
10. Honduras developed a National Plan to Combat Violence against Women 2014–2022, which aims to prevent and prosecute gender-based crimes.²⁰ In addition, in 2015 the

Honduran Government implemented *Ciudad Mujer*, a project intending to assist female victims of violence by providing integrated public services to women, focusing on economic independence, protection, and social development.²¹

III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A. LGBTI Rights

Right or area 8. Non-discrimination; Right or area 32. Members of minorities

11. As noted above, discrimination against LGBTI individuals is illegal under the Honduran Penal Code, yet LGBTI individuals in Honduras continue to report discrimination from both State and non-State actors.
12. Marcela Laitano, Head of Public Policy at the Honduran Human Rights Ministry, cited a widespread and entrenched “machismo culture” and “conservative religious values” as nationwide conditions that fuel discrimination and prejudice against LGBTI individuals.²²
13. Honduras currently has no process allowing transgender individuals to change their name and gender on official documents. In March 2018, however, Indyra Mendoza, coordinator of LGBTI advocacy collective CATRACHAS, filed a Supreme Court petition challenging this procedural barrier to transgender communities.²³ Mendoza’s petition also confronted the constitutional articles prohibiting same-sex marriage and adoption. The Court is expected to rule on this petition later in 2019.²⁴

Right or area 12.5. Prohibition of torture and cruel, inhuman or degrading treatment; Right or area 13. Right to liberty and security;

14. The Inter-American Commission on Human Rights has noted that the Police and Social Coexistence Act of Honduras facilitates police abuse and arbitrary detention of transgender individuals by granting security forces the authority to arrest anyone who “violates modesty, decency or public morals” or who “by their immoral behavior disturbs the tranquility of the neighbors.”²⁵ In effect, this law leaves transgender individuals at a higher risk of police abuse.
15. According to the coordinator of the LGTB Rainbow Association, a Tegucigalpa-based LGBTI advocacy organization, LGBTI individuals have been “victims of discrimination” and violence by Honduran state agents such as the national police, municipal police, and armed forces. The National Human Rights Commission (CONADEH) found that police officers and security guards constitute a large portion of the “attackers” and “violators” of LGBTI rights.²⁶
16. LGBTI individuals fear reporting abuse or harassment to the police due to a culture of impunity and fear of reprisal. Karen Spring, coordinator for the Honduran Solidarity Network, described Honduras as a “mafia state” where the institution of policing is systematically intertwined with organized crime.²⁷ Individuals who report to the police often find themselves extorted or threatened by gangs, if not harmed by the police themselves.²⁸
17. Ms. R, a transgender Honduran woman, reported that she had been persecuted by police officers based on her gender-identity. In October 2018, police officers detained her as she was leaving work and took her to a desolate area, where officers severely beat and

tortured her. They initially planned to murder her, but ultimately gave her 15 minutes to flee, and threatened to kill her and her mother if she was ever found again. The attack was motivated by the police officers' ties to the MS-13 gang, which Ms. R refused to join.

18. Ms. R reported that she had faced persecution from gang members. Police officers did not offer her protection from these gang members. The MS-13 gang pressured her into selling and moving drugs for them while she was in prison for a crime of which she was wrongly accused and later acquitted. The gang targeted her because, as a transgender woman, she was more vulnerable to their recruitment because of her need for greater protection in prison. When she refused to work with MS-13, gang members outside the prison murdered two of her brothers and gang members inside the prison showed her pictures of their bodies.

Right or area 19. Rights related to marriage & family

19. Although same-sex marriage has been banned in Honduras since 2005, Honduras is party to the January 2018 ruling of the Inter-American Court of Human Rights which recognizes protection of same-sex marriage as a human right.²⁹ As noted in paragraph 13, a case currently before the Supreme Court challenges the constitutionality of prohibitions on same-sex marriage and adoption by LGBT persons.

Right or area 24. Right to health

20. Ms. R explained that LGBTI individuals experience difficulty accessing proper healthcare in Honduras. She said that “if [doctors] see me [as a transgender woman] they will not provide me service.”³⁰

B. Gender-based Violence against Women

21. 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 violence against women.³¹ Despite these efforts, domestic violence and femicide remain widespread and impunity continues due to fear of reporting and lack of responsiveness to reports.

Right or area 12.1. Right to life; Right or area 12.5. Prohibition of torture and cruel, inhuman or degrading treatment

22. Honduras has experienced a significant reduction in homicide rates, from 85.5 killings per 100,000 people in 2011 to 42.8 in 2017,³² and a drop in overall femicide rates, but violence and impunity persist. An average of 32 women died each month in Honduras in 2017.³³ After conducting a 2018 state visit to Honduras, the Inter-American Commission reported that 90% of femicides go unpunished,³⁴ writing that “these acts of violence are not isolated, but are instead symptomatic of a pattern of structural discrimination against women. The machismo and gender stereotypes that are deep-rooted in Honduran society increase the risks that women are exposed to and prevent them from fully exercising their right to live a life free of violence.”³⁵

23. According to the Violence Observatory at the National Autonomous University of Honduras, 41% of women and girls killed in Honduras in 2017 showed signs of “mutilation, disfigurement, and cruelty beyond what was needed to kill them.”³⁶

Right or area 29.2. Gender-based violence

24. 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 2006.³⁷ 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.³⁸
25. Ms. D is a 49-year-old Honduran woman whose case demonstrates the failure of Honduran state agencies to respond to complaints and adequately protect women. Ms. D and 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.
26. 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.

IV. RECOMMENDATIONS

27. This stakeholder report suggests the following recommendations for the Government of Honduras:
- Fully implement:
 - the Human Rights Committee’s 2017 recommendations regarding: discrimination against women and discrimination on the grounds of sexual orientation and gender identity³⁹; violence against women⁴⁰; the right to life and security of person⁴¹; and freedom of expression, freedom of association and violence against human rights defenders.⁴²
 - the 2016 recommendations of the Committee on the Elimination of Discrimination against Women regarding: access to justice in cases of gender-based violence against women⁴³; gender-based violence against women⁴⁴; and women human rights defenders.⁴⁵

- the 2016 recommendations of the Committee against Torture regarding gender-based violence⁴⁶ and violence committed on grounds of sexual orientation or gender identity.⁴⁷
- Train federal, state, and municipal law enforcement on international human rights standards relating to violence and discrimination based on sexual orientation and gender identity and provide effective protection for LGBTI persons and the defenders of LGBTI rights.
- Adopt policies and campaigns to promote awareness, education, and respect for the LGBTI community.
- Legalize same-sex marriage throughout the country.
- Remove sexual orientation and gender identity as barriers to adoption.
- Adopt legislation ensuring the full recognition of the identity of transgender individuals as well as recognizing gender identity through the reissuance of birth notices, without a doctor's involvement.
- Combat impunity by ensuring that law enforcement conducts a thorough investigation of every allegation of violence or discrimination based on sexual orientation or gender identity to assist prosecutors in prosecuting individuals suspected of committing crimes against LGBTI persons.
- Take measures to reduce the influence of gang violence and gun violence on the broader Honduran population and, in particular, on women and LGBTI communities, to prevent vulnerable populations from experiencing gang violence or joining gangs due to threats or promises of protection.
- Adopt reforms to ensure the independence of the police force from organized crime and to end deep-rooted associations between gangs and police officers in order to adequately protect at-risk women and LGBTI individuals.
- Require all health care providers to undergo sensitivity training regarding the provision of services to LGBTI patients.
- End impunity for femicide, domestic violence, rape, and sexual assault by ensuring accountability and punishing perpetrators of those crimes.
- Strengthen the criminal justice sector's response to gender-related killings of women and girls, in particular measures to support the sector's capacity to investigate, prosecute, and punish all forms of such crimes and provide reparations and/or compensation to victims and their families.
- Establish a comprehensive program to protect women from violence, including public education, aggressive prosecutions, and training for law enforcement, investigators, prosecutors, judges, and educators on effective implementation of the Reformed Law on Violence Against Women.
- 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 others, and that such procedures also reduce the risk of further acts of violence.
- Establish crisis centers throughout the country for victims of sexual abuse and domestic violence.
- Ensure gender-equitable representation in the police force and other agencies of the justice system, particularly at the decision-making and managerial levels.

- Establish, fund, and coordinate services such as toll-free help lines, professional multidisciplinary counseling, crisis intervention services, and support groups in order to benefit women who are victims of violence and their children.

¹ Office of the High Commissioner for Human Rights, *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo*, (March 31, 2015), U.N. Doc A/HRC/29/27/Add. 1.

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-against-women-and-lgbti-persons-in-honduras-and-el-salvador/>.

³ *Ibid.*

⁴ Office of the High Commissioner for Human Rights, “End of mission statement by Michael Forst, United Nations Special Rapporteur on the situation of human rights defenders on his visit to Honduras, 29 April to 12 May,” accessed July 17, 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23063&LangID=E>.

⁵ *Ibid.*

⁶ 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/>.

⁷ *Report of the Working Group on the Universal Periodic Review: Honduras* (July 15, 2015), U.N. Doc. A/HRC/30/11, ¶ 124.30 Guarantee protection and access to justice for women who are victims of violence (Belgium); ¶ 124.35 Take specific measures to protect women from being victim of discrimination and violence, including the appropriate investigation of such cases as well as the prosecution and punishment of perpetrators (Turkey); ¶ 124.46 Exhaustively investigate the killings of women on gender grounds (Spain); ¶ 125.33 Continue efforts towards due protection of women who are part of the victim and witness protection programmes (Ecuador).

⁸ *Id.* ¶ 124.26 Take all necessary measures to ensure the effective implementation of the Criminal Code offence of gender-related killings of women and to guarantee effective access to justice for women who are victims of violence, as well as their protection (Ireland); ¶ 124.27 Guarantee protection and effective access to justice to women victims of violence, including by ensuring that perpetrators are brought to justice and by providing sufficient resources and targeted training to law enforcement, the judiciary and health-service personnel (Italy); ¶ 124.28 Prevent and punish all forms of violence against women and girls; and consolidate a higher representation of women in management and decision making positions (Peru); ¶ 125.38 Continue to strengthen the response of its criminal justice system to violent crimes against women and girls; in particular measures to support capacity to investigate, prosecute and punish such crimes (Australia); ¶ 125.45 Strengthen the security apparatus through a civilian police in order to combat impunity, especially in cases of crimes against journalists and femicides, without involving the military apparatus (Costa Rica).

⁹ *Id.* ¶ 124.19 Strengthen actions that aim at eliminating cultural patterns that discriminate against women, promoting adequate access to judicial protection in order to prevent cases of violence affecting their life, health and integrity remaining unpunished (Chile); ¶ 124.24 Consider widening the criminal legislation, not only criminalizing cases of femicide, but also all cases of violence against women (Guatemala); ¶ 124.25 Create specialized courts responsible exclusively for cases of domestic violence which are particularly problematic (Guatemala); ¶ 124.29 Ensure adequate budget allocation to the prevention of sexual and gender-based violence (Sweden); ¶ 124.31 Step up efforts aimed at effectively preventing violence against women, including rape, domestic violence and sexual harassment (Panama); ¶ 124.32 Take adequate and necessary measures to address violence against women (Portugal); ¶ 124.33 Respond effectively to all forms of violence against women including by providing law enforcement official with gender training (Sweden); ¶ 124.34 Reduce violence against women and increase the number of shelters for battered women (Trinidad and Tobago); ¶ 125.12 Continue efforts to address gender-related killing of women and girls (Rwanda); ¶ 125.13 Strengthen normative standards and measures aimed at eliminating domestic violence perpetrated against women (Sierra Leone); ¶ 125.14 Continue to strengthen legislative and policy measures to counter violence against women (Singapore); ¶ 125.37 Take all necessary measures to ensure the effective implementation of the Criminal Code, which sanctions the crime of femicide (Slovenia); ¶ 125.62 Make every effort to respect the dignity of human life, especially of women and children who are most vulnerable to gross abuses (Holy See).

¹⁰ *Id.* ¶ 126.4 Sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, establishing a communication mechanism in order to strengthen the tools in the fight against violence and discrimination against women (France); take additional steps to guarantee equal access for

women to appropriate health services, especially sexual and reproductive health services, and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Germany).

¹¹ *Id.* ¶ 124.10 Implement policies and programs that promote tolerance and non-discrimination against lesbian, gay, bisexual, transgender, and intersex persons, and to guarantee the compliance with the current norms in order to punish offences and violence motivated by prejudice (Uruguay).

¹² *Id.* ¶ 124.18 Undertake awareness-raising campaigns and programmes to promote tolerance and to address violence against lesbian, gay, bisexual, transgender and intersex persons (Slovenia).

¹³ *Id.* ¶ 124.11 Strengthen its national institutions in charge of the promotion and protection of human rights, with a view to fostering access to justice, particularly for the most vulnerable groups, such as...the lesbian, gay, bisexual, transgender and intersex community (Brazil).

¹⁴ *Id.* ¶ 124.20 End discrimination in law and practice against indigenous and Afro-Honduran people and strengthen protection for lesbian, gay, bisexual, transgender and intersex persons (Austria).

¹⁵ *Id.* ¶ 124.45 Take further measures for the effective investigation, prosecution and punishment of hate crimes against lesbian, gay, bisexual, transgender and intersex persons and women, including femicides, as well as crimes against human rights defenders, journalists, justice workers and campesino community members in Bajo Aguán (Norway).

¹⁶ *Id.* ¶ 124.50 Ensure freedom of expression and take steps to end threats and attacks against journalists and human rights defenders, including lesbian, gay, bisexual, transgender and intersex defenders (Australia).

¹⁷ *Id.* ¶ 125.11 Continue with the effective implementation of measures to combat discrimination and violence based on sexual orientation and gender identity, particularly, through the implementation of differentiated approaches to guarantee the enjoyment of rights of lesbian, gay, bisexual, transgender and intersex persons (Colombia).

¹⁸ UNAIDS, “Honduras reforms its penal code to end human right violations based on sexual orientation and gender identity,” accessed Jul. 22, 2019,

<https://www.unaids.org/en/resources/presscentre/featurestories/2013/april/20130405honduras>.

¹⁹ U.N Human Rights Committee, *Second periodic reports of States parties due in 2010: Honduras*, ¶ 34, CCPR/C/HND/2, (Nov. 18, 2015) (hereinafter “*Honduras Second Periodic Report*”).

²⁰ Communication from the State of Honduras, Note No. SG/064/MHOEA/2015, Observations of the State of Honduras to the 2015 Draft Report on Honduras of the Inter-American Commission on Human Rights, Dec. 14, 2015.

²¹ *Agencias, Gobierno de Honduras replicará proyecto de El Salvador para víctimas de violencia*, Radio La Primerísima, June 21, 2016, <http://www.radiolaprimerisima.com/noticias/resumen/205182/gobierno-de-hondurasreplicara-proyecto-de-el-salvador-para-victimas-de-violencia>, last visited July 25, 2016.

²² Anastasia Moloney, *Top Americas rights commission condemns Honduras LGBT+ murders*, Thomson Reuters Foundation, Jul. 18, 2019, <https://www.reuters.com/article/us-honduras-lgbt-murders/top-americas-rights-commission-condemns-honduras-lgbt-murders-idUSKCN1UD323>.

²³ Mirte Postema, *LGBT Hondurans March Against Hate*, Human Rights Watch, Mar. 23, 2019, <https://www.hrw.org/news/2019/05/23/lgbt-hondurans-march-against-hate>.

²⁴ *Ibid.*

²⁵ Inter-American Commission on Human Rights, “*Situation of Human Rights in Honduras*,” Dec. 31, 2015. Also available online at <https://www.oas.org/en/iachr/reports/pdfs/Honduras-en-2015.pdf>.

²⁶ Refworld, “Honduras: Treatment of sexual minorities, including legislation; state protection and support services available (2012-November 2013),” accessed July 22, 2019, <https://www.refworld.org/docid/52ce9e6e4.html>.

²⁷ Interview with Karen Spring, coordinator for the Honduran Solidarity Network, Minneapolis, Jul. 15, 2019.

²⁸ *Ibid.*

²⁹ *Inter-American Human Rights Court backs same-sex marriage*, BBC, Jan 10, 2018, <https://www.bbc.com/news/world-latin-america-42633891>

³⁰ Interview with asylum-seeker, Minneapolis, Jul. 12, 2019.

³¹ *Honduras: Results from Women’s Rights Progress Long Overdue, Say Experts*, United Nations Human Rights Office of the High Commissioner, Nov. 14, 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23875&LangID=E>.

³² *Honduras Murder Rate Fell by More Than 25 Percent in 2017: Government*, Reuters, Jan. 2, 2018, <https://www.reuters.com/article/us-honduras-violence/honduras-murder-rate-fell-by-more-than-25-percent-in-2017-government-idUSKBN1ER1K9>.

³³ Sonia Nazario, ‘*Someone is Always Trying Kill You*,’ New York Times, Apr. 5, 2019, <https://www.nytimes.com/interactive/2019/04/05/opinion/honduras-women-murders.html>.

³⁴ *IACHR Has Concluded its Visit to Honduras and Presents its Preliminary Observations*, Inter-American Commission on Human Rights, Aug. 3, 2018, http://www.oas.org/en/iachr/media_center/PReleases/2018/171.asp

³⁵ *Ibid.*

³⁶ Sonia Nazario, *'Someone is Always Trying Kill You,'* New York Times, Apr. 5, 2019, <https://www.nytimes.com/interactive/2019/04/05/opinion/honduras-women-murders.html>.

³⁷ 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/>.

³⁸ *Ibid.*

³⁹ U.N. Human Rights Committee, Concluding observations on the second periodic report of Honduras, UN Doc. No. CCPR/C/HND/CO/2, 22 Aug. 2017, ¶ 11 ("The State party should ensure comprehensive protection against discrimination, including discrimination against women, the Afro-Honduran community and indigenous peoples and discrimination on grounds of sexual orientation and gender identity. The State party should strengthen the National Institute for Women, in particular through an increase in its budget and the effective implementation of the Second Gender Equality and Equity Plan, 2010-2022. It should also ensure that the equality of same-sex couples and the identity of transgender persons are fully recognized and that lesbian, gay, bisexual, transgender and intersex persons are fully protected against hate crimes. The State party should adopt measures to increase the number of indigenous persons and Afro-Hondurans in public and political life.").

⁴⁰ *Id.* ¶ 15 ("The State party should redouble its efforts to prevent and combat all acts of violence against women, to punish those responsible and to provide assistance and protection to victims, including through the adoption of a comprehensive law on violence against women. In addition, the State party should make it easier for victims to report cases; ensure that all cases of violence are investigated in a prompt, thorough and impartial manner, that perpetrators are tried and punished and that victims are able to receive assistance, protection and full reparation.").

⁴¹ *Id.* ¶ 19 ("The State party should step up its efforts to investigate all violent crimes and other serious offences in a prompt, thorough and impartial manner, to prosecute and punish those responsible and to ensure that victims receive full reparation. Furthermore, the State party should enhance programmes for the protection of children and youth who refuse to join criminal gangs, including by ensuring the effective implementation of the System for the Promotion and Comprehensive Protection of the Rights of the Child, with sufficient funding for the fulfilment of its objectives.").

⁴² *Id.* ¶ 41 ("The State party should, as a matter of urgency, take practical steps to: (a) Provide effective protection to, inter alios, human rights defenders, journalists, trade unionists, environmental activists, indigenous persons and lesbian, gay, bisexual, transgender and intersex persons who are subjected to acts of violence and intimidation; (b) Increase training and education programmes on the importance of freedom of expression, freedom of association and freedom of assembly for law enforcement officers, military personnel, staff of private security companies, judges and prosecutors; (c) Ensure that all allegations concerning intimidation, threats and assault are investigated promptly, thoroughly, independently and impartially, that the perpetrators are brought to justice and duly punished in accordance with the gravity of the offence and that victims receive full reparation; (d) Set up a mechanism to ensure that acts of violence and threats against human rights defenders are properly investigated and are not treated as ordinary offences; consider introducing a protocol for the Attorney General's Office on the investigation of such offences; and extend the jurisdiction of the Unit for the Protection of Human Rights Defenders to include offences committed by private individuals; (e) Consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious cases, and imprisonment is never an appropriate penalty; (f) Collect disaggregated data on assaults and murders among human rights defenders, journalists, trade unionists, environmental activists, indigenous persons and lesbian, gay, bisexual, transgender and intersex persons.").

⁴³ U.N. Committee on the Elimination of Discrimination against Women, Concluding observations on the combined seventh and eighth periodic reports of Honduras, UN Doc. No. CEDAW/C/HND/CO/7-8, 25 Nov. 2016, ¶ 13(c) ("Ensure that all cases of gender-based violence against women are promptly and effectively investigated, that perpetrators are prosecuted and adequately punished and that impunity is combated by investigating reported cases of corruption").

⁴⁴ *Id.* ¶ 23 ("The Committee, recalling its previous recommendations (CEDAW/C/HON/CO/6, para. 19) and its general recommendation No. 19 (1992) on violence against women, recommends that the State party ensure that any reform to the Criminal Code upholds international human rights standards, including the Convention. It also recommends that the State party: (a) Implement existing laws to criminalize all forms of violence against women and ensure that cases are investigated and perpetrators prosecuted and adequately punished and to ensure adequate

accountability and monitoring mechanisms for the implementation of the national plan against violence against women covering the period 2014-2022; (b) Ensure that women and girls have access to effective redress and protection, including a sufficient number of shelters, especially in rural areas, that provide specialized care to victims of sexual violence, and legal and psychosocial rehabilitation and reintegration programmes, in cooperation with civil society organizations; (c) Strengthen its legislative framework regarding possession of firearms and expedite the adoption of the bill on access to a life free of violence introduced in the National Congress; (d) Provide mandatory training to law enforcement personnel and judicial officials and professionals in areas such as health and social work on the strict application of criminal law provisions to prosecute and adequately punish acts of gender-based violence, regularly monitor such application and ensure that those officials who fail to apply such legislation are appropriately sanctioned; (e) Ensure that the definition of femicide in the new Criminal Code is aligned with international standards, in particular the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, and develop and adopt standard protocols to investigate cases of disappearance of women and femicide nationwide; (f) Adopt specific protocols to unify procedures for reporting cases of violence against women and centralize the regular collection of data on violence against women, disaggregated by the type of violence and the relationship between the perpetrator and the victim.”).

⁴⁵ Id. ¶ 29 (“The Committee recommends that the State party: (a) Adopt and apply, without delay, effective measures for the protection of women human rights defenders to enable them to freely undertake their important work without fear or threat of violence or harassment; (b) Apply the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers and develop a protocol with a gender perspective for investigating, prosecuting and punishing attacks and other forms of abuse committed against women human rights defenders; (c) Effectively investigate, prosecute and adequately punish all cases of violence against women human rights defenders, including cases of violence against women defending the right to land or other natural resources; (d) Decriminalize social protest and peaceful assembly and put an end to the prosecution of women human rights defenders for their activities in exercise of their human rights.”).

⁴⁶ U.N. Committee against Torture, Concluding observations on the second periodic report of Honduras, UN Doc. No. CAT/C/HND/CO/2, 26 Aug. 2016, ¶ 46 (“The Committee urges the State party to redouble its efforts to combat all forms of gender-based violence and to ensure that all complaints are thoroughly investigated and that suspected offenders are prosecuted and, if convicted, punished appropriately. The State party should also ensure that victims receive full redress for the harm suffered, including fair and adequate compensation and the fullest rehabilitation possible. Public awareness-raising campaigns concerning violence against women should also be expanded.”).

⁴⁷ Id. ¶ 50 (“The State party should ensure the personal safety of lesbian, gay, bisexual and transgender persons in all spheres, including in places of detention. It should also ensure that murders and assaults motivated by a person’s sexual orientation or gender identity are investigated and that the persons responsible are brought to justice.”).