



**Honduras' Compliance with the International Covenant on Civil and Political Rights:  
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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**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' Women's Human Rights Program has published 25 reports on violence against women as a human rights issue, frequently provides consultation and commentary on drafting laws on domestic violence, and trains lawyers, police, prosecutors, and judges to effectively implement new and existing laws on domestic violence. The Advocates also provides legal services to low-income asylum seekers in the Upper Midwest of the United States. Since 2014, 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. Information from asylum seekers about gender-based violence in Honduras has been used in this submission with their permission.

## 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%.”<sup>1</sup> 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.”<sup>2</sup> Rape is the most common form of sexual violence in Honduras.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>
2. Honduras is both a source and transit country for human trafficking, and women are particularly vulnerable to sex trafficking.<sup>6</sup> Passed in April 2012, the Honduran anti-trafficking law provides penalties of up to 15 years’ imprisonment for human trafficking.<sup>7</sup> Although Honduras has increased law enforcement efforts, it continues to have problems with data collection, providing victims’ services, and prosecuting offenders.
3. In its last review of Honduras in 2006, the Human Rights Committee expressed deep concern at the “persistence of a high number of violent deaths of women and of ill-treatment as a recurrent practice, as well as the impunity of the aggressors.”<sup>8</sup>

### **Honduras Fails to Uphold its Obligations under the International Covenant on Civil and Political Rights**

4. Honduras ratified the International Covenant on Civil and Political Rights on August 25, 1997. Domestic violence, rape, sexual assault, sexual harassment, and other forms of violence against women are forms of discrimination against women and violate women’s human rights. Gender-based violence violates a woman’s rights to life and security of person

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<sup>1</sup> 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 July 25, 2016.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> 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.

<sup>6</sup> U.S. Department of State, *Trafficking in Persons Report*, (July 2015). Also available online at <http://www.state.gov/documents/organization/245365.pdf>, last visited July 25, 2016.

<sup>7</sup> U.S. Department of State, *Trafficking in Persons Report*, (June 2013). Also available online at <http://www.state.gov/documents/organization/210737.pdf>, last visited July 25, 2016.

<sup>8</sup> U.N. Human Rights Committee, *Concluding Observations of the Human Rights Committee: Honduras* (hereinafter “Concluding Observations”), (Dec. 13, 2006), U.N. Doc. CCPR/C/HND/CO/1, ¶ 7.

(Article 6), freedom from torture and ill-treatment (Article 7), equality before the courts (Article 14), equal protection before the law (Article 26), and protection of the family (Article 23), among other rights recognized by the Covenant. Article 9 obligates State Parties to “respond appropriately to patterns of violence against categories of victims such as . . . violence against women, including domestic violence.”<sup>9</sup>

5. Despite some efforts to address gender-based violence, conditions have worsened for women in Honduras. While Honduras has established several laws and mechanisms to protect women from violence, in reality, little has changed on the ground for victims of gender-based violence since the Committee’s last review in 2006.

#### **A. Legal Reform and Implementation of Measures to Address Gender-based Violence**

6. 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. While the law criminalizes domestic violence and penalizes perpetrators with between two and four years’ 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.”<sup>10</sup>
7. Honduras developed a National Plan to Combat Violence against Women 2014–2022, which aims to prevent and prosecute gender-based crimes.<sup>11</sup> In addition, the Honduran Government recently 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.<sup>12</sup>

#### **B. Gender-based Violence Continues to Increase in Honduras**

8. In its case intake process, The Advocates has seen a dramatic increase in the number of Honduran women who have fled gender-based violence in order to seek asylum in the United States.<sup>13</sup> Each case is different, but their experiences confirm the failure of Honduran justice system actors to protect victims of domestic and sexual violence and to provide victims with

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<sup>9</sup> U.N. Human Rights Committee, *General Comment No. 35: Article 9 (Liberty and security of person)*, (Dec. 16, 2014), U.N. Doc. CCPR/C/GC/35, ¶ 9.

<sup>10</sup> US Department of State, *Country Reports on Human Rights Practices for 2014: Honduras* (June 2015), available at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dld=236698>, last visited July 25, 2016.

<sup>11</sup> 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.

<sup>12</sup> 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-honduras-replicara-proyecto-de-el-salvador-para-victimas-de-violencia>, last visited July 25, 2016.

<sup>13</sup> The information contained in this paragraph, as well as several other paragraphs below, is compiled from intake interviews and other interviews conducted with Honduran women between January 2014 and August 2015. Some of the details of the cases have been removed to maintain confidentiality and to protect the identity of the women and their families.

the necessary support and services. Moreover, the legal system and policies fail to hold perpetrators accountable.

9. In general, domestic and sexual violence cases are handled with “systematic indifference of the police.”<sup>14</sup> 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. In addition, many argue that systemic failures are related to the largely “institutionalized”<sup>15</sup> violence against women in Honduras, which has an entrenched “machismo and patriarchal culture.”<sup>16</sup>

## 1. Gun Violence and Femicide

10. Honduras is one of the world’s most violent countries, with towering murder rates fueled by guns. In 2015, the overall homicide rate was 59.5 per 100,000,<sup>17</sup> one of the highest in the world. An average of 37 women died each month in Honduras in 2015.<sup>18</sup>
11. The Honduran Government’s Second Periodic Report notes that in 2013, the National Congress “introduced article 118-A [into the Criminal Code] to make femicide an offence carrying a sentence of 30 to 40 years’ imprisonment.”<sup>19</sup> The report further describes a “High-Impact Investigation Unit” tasked with focusing “exclusively on murders of women, children, members of the [LGBTI] community, journalists, and lawyers.”<sup>20</sup> Notably, however, the report includes the number of prosecutions by the unit with respect to homicides of LGBTI persons, journalists, and lawyers, but not women or children, suggesting that the unit is not focusing on those crimes.
12. Femicide rates are increasing “with an alarming rate.”<sup>21</sup> In the period between 2003 and 2015, some 5,411 women have suffered violent deaths in Honduras.<sup>22</sup> From 2005 to 2012, violent deaths of women steadily increased, from 175 deaths per year to 606 deaths per year,

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<sup>14</sup> 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 July 25, 2016. See also *Honduras: Cada 16 horas muere una mujer por violencia machista*, el Nuevo Herald, Nov. 17, 2015, <http://www.elnuevoherald.com/noticias/mundo/america-latina/article45241737.html>, last visited July 25, 2016.

<sup>15</sup> Deborah Hastings, *In Central America, women killed ‘with impunity’ just because they’re women*, New York Daily News, Jan. 10, 2014, <http://www.nydailynews.com/news/world/femicide-rise-central-america-article-1.1552233>, last visited July 25, 2016.

<sup>16</sup> *Honduras: Cada 17 horas muere una mujer por violencia machista*, *supra* note 14.

<sup>17</sup> U.S. Dept of State, *Country Reports on Human Rights Practices for 2015: Honduras* (June 2016), available at <http://www.state.gov/documents/organization/253235.pdf>, last visited July 25, 2016.

<sup>18</sup> Agencia EFE, *Denuncian en Honduras el asesinato de 68 mujeres en tres meses*, La Prensa, June 14, 2016, <http://www.laprensa.hn/honduras/969967-410/denuncian-en-honduras-el-asesinato-de-68-mujeres-en-tres-meses>, last visited July 25, 2016.

<sup>19</sup> 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*”).

<sup>20</sup> *Id.*, ¶ 36.

<sup>21</sup> Agencia AFP, *Femicidio en Honduras alcanzó niveles de epidemia*, El Heraldo, June 24, 2015, <http://www.elheraldo.hn/pais/852586-214/femicidio-en-honduras-alcanz%C3%B3-niveles-de-epidemia>, last visited July 25, 2016.

<sup>22</sup> FIAN Honduras et al., *Alternative Report to the Second Report of the State of Honduras to ECOSOC*, (May 2016), 9, [http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/HND/INT\\_CESCR\\_CSS\\_HND\\_23952\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/HND/INT_CESCR_CSS_HND_23952_E.pdf), last visited July 25, 2016.

an increase of 246.3% over eight years. A woman is murdered every 16 hours in Honduras.<sup>23</sup> In 2014, the femicide rate was 14.6 per 100,000<sup>24</sup> and 71% of these killings were by firearms.<sup>25</sup> According to National Violence Observatory, there were 526 violent deaths of women in 2014, of which 290 were considered femicides.<sup>26</sup> In the first six months of 2015, there were 244 violent deaths of women, and as of October, 198 cases had been investigated as suspected femicides.<sup>27</sup>

13. While Honduras has established a Special Prosecutor on Women, the UN Special Rapporteur on Violence against Women recently reported that Honduras has a 95% impunity rate for sexual violence and femicide crimes.<sup>28</sup> Moreover, “the lack of accountability for violations of human rights of women is the norm rather than the exception” in Honduras.<sup>29</sup> Some public officials are apparently unaware of the legal definition of this crime or disagree with its creation.<sup>30</sup> This inaction has impeded progress in the prevention, investigation, and sanction of such crimes.

## 2. Domestic Violence

14. In 2006, the Committee welcomed the adoption of the Domestic Violence Act and the creation of a telephone hotline for victims of domestic violence, but expressed concern “at the persistence of a high number of violent deaths of women and of ill-treatment as a recurrent practice, as well as the impunity of the aggressors.”<sup>31</sup> The Committee recommended that Honduras “take appropriate steps to combat domestic violence and ensure that those responsible are prosecuted and appropriately punished.”<sup>32</sup> The Committee suggested that Honduras educate the Honduran public “about the need to respect women’s rights and dignity, with a view to changing cultural patterns.”<sup>33</sup> The Committee also invited

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<sup>23</sup> Catty Calderon, *Honduras lanza su campaña “El femicidio es la más alta expresión de violencia contra las mujeres,”* Facción, Nov. 18, 2015, [http://faccionlatina.org/project/honduras-lanza-lanza-su-campana-el-femicidio-es-la-mas-alta-expresion-de-violencia-contra-las-mujeres/#\\_ftn1](http://faccionlatina.org/project/honduras-lanza-lanza-su-campana-el-femicidio-es-la-mas-alta-expresion-de-violencia-contra-las-mujeres/#_ftn1), last visited July 25, 2016.

<sup>24</sup> Agencia EFE, *El 76% de los crímenes en Honduras se cometen con armas de fuego*, La Prensa, Jan. 6, 2016, <http://www.laprensa.hn/sucesos/917406-410/el-76-de-los-cr%C3%ADmenes-en-honduras-se-cometen-con-armas-de>, last visited July 25, 2016.

<sup>25</sup> Organization of American States, *Preliminary Observations concerning the Human Rights Situation in Honduras*, (Dec. 5, 2014), [http://www.oas.org/en/iachr/media\\_center/PReleases/2014/146A.asp](http://www.oas.org/en/iachr/media_center/PReleases/2014/146A.asp). See also 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, [www.iudpas.org/pdf/Boletines/Especiales/BEP\\_Ed17.pdf](http://www.iudpas.org/pdf/Boletines/Especiales/BEP_Ed17.pdf), last visited July 25, 2016.

<sup>26</sup> U.S. Dept of State, *supra* note 17.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Special Rapporteur on Violence against Women Finalizes Country Mission to Honduras*, *supra* note 1.

<sup>29</sup> Center for Gender and Refugee Studies, *Thousands of Girls and Women are Fleeing Rape, Sexual Violence and Torture in Honduras, El Salvador and Guatemala*, [http://cgrs.uchastings.edu/talking\\_points\\_and\\_stories](http://cgrs.uchastings.edu/talking_points_and_stories).

<sup>30</sup> Foro de Mujeres por la Vida, *Convergencia por los Derechos Humanos*, Dec. 3, 2014. 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, December 14, 2015.

<sup>31</sup> Concluding Observations, *supra* note 8, ¶ 7.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

the Honduran Government “to provide statistics on the number of interventions carried out in response to [the] telephone hotline . . . .”<sup>34</sup>

15. While the increase in femicides in Honduras has been widely publicized, other expressions of violence against women, such as domestic violence, remain in the shadows.<sup>35</sup> In its Second Periodic Report to the Committee, the Honduran Government reports the launch of a new telephone hotline and the establishment of centers to serve victims of gender-based violence.<sup>36</sup> 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.<sup>37</sup> Violation of an order for protection issued for domestic violence is subject to a maximum sentence of three years’ imprisonment, but victims are often reluctant to press charges against their abusers.<sup>38</sup> Government prosecutors and NGOs report “that many female victims of domestic violence were trapped in the situation of violence due to economic dependence on their male partner, their role in caring for children, and the lack of shelters.”<sup>39</sup>
16. The Second Periodic Report states that in 2015, “two seized houses were designated to serve as shelters,” one with a capacity for 50 women and children, and another with a capacity for 40 women and children.<sup>40</sup> The establishment of shelters for victims of domestic violence is promising, but the government does not provide sufficient “financial and other resources to enable these facilities to operate effectively.”<sup>41</sup>
17. The Second Periodic Report states that in 2014, the judiciary in Tegucigalpa established a women’s rights support center to provide services and legal assistance free of charge.<sup>42</sup> Several municipalities established special teams to provide assistance to victims.<sup>43</sup> In 2015, the Government opened reporting centers in Tegucigalpa and San Pedro Sula where women can now report crimes and seek medical attention.<sup>44</sup> These reporting centers were in addition to the 298 government-operated women’s offices (one in each municipality) providing a wide array of services to women focusing on the prevention of gender-based violence. The establishment of these reporting centers is promising, but “[t]he quantity and quality of services provided at these offices varie[s].”<sup>45</sup>

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<sup>34</sup> Ibid.

<sup>35</sup> Agencia EFE, *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>.

<sup>36</sup> *Honduras Second Periodic Report*, *supra* note 19, ¶ 32.

<sup>37</sup> U.S. Dept of State, *supra* note 17.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> *Honduras Second Periodic Report*, *supra* note 19, ¶ 30.

<sup>41</sup> U.S. Dept of State, *supra* note 17.

<sup>42</sup> *Honduras Second Periodic Report*, *supra* note 19, ¶ 32.

<sup>43</sup> Ibid.

<sup>44</sup> U.S. Dept of State, *supra* note 17.

<sup>45</sup> Ibid.

18. **Despite these efforts, Honduran women continue to face domestic violence from intimate partners.** Several women interviewed by The Advocates reported that their intimate partners beat them in front of their young children. One 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. Another 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.<sup>46</sup>
19. **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.<sup>47</sup>
20. **Even when women turn to local law enforcement, they often 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.<sup>48</sup>
21. **Women do not go to the police for help and they fear retribution when their perpetrators are influential or well-connected politically.** Several women reported that there was no point in going to the police because in Honduras, police do not get involved in domestic affairs. 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

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<sup>46</sup> The information contained in this paragraph is compiled from intake interviews and other interviews conducted with Honduran women between January 2014 and August 2015. Some of the details of the cases have been removed to maintain confidentiality and to protect the identity of the women and their families.

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called his victim, who had fled, and threatened that if she went to the police, he would shoot and kill her.<sup>49</sup>

22. **Fleeing to another part of Honduras often provides no relief from domestic violence.** 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 woman who fled her abuser to live near her parents began 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.<sup>50</sup>
23. The Honduran Government's Second Periodic Report states that "the formulation of . . . a bill on marital rape[] is underway."<sup>51</sup> Yet the government has not taken action to address marital and intimate partner rape. Many women interviewed by The Advocates reported being repeatedly raped and sexually abused by their intimate partners. One woman's boyfriend, who works for the government, beat her and raped her routinely. Another reported that every week, her partner would weekly enter the house intoxicated, rip off her clothes, throw her on the bed and force her to have sex with him. On one occasion, he also told her teenage daughter to watch. During the sexual abuse, he would also hit and choke her. When she resisted or said she was leaving, he threatened to kill her or her child.
24. **Instead of providing protection, police and other systems actors often encourage reconciliation with the abuser.** The Second Periodic Report notes, troublingly, that the first Promotion of Women's Rights and Support Centre in Tegucigalpa provides "alternative conflict resolution mechanisms" to victims of gender-based violence.<sup>52</sup> Alternative dispute resolutions such as mediation are inappropriate and dangerous in the context of domestic violence, when the abuser holds tremendous power over the victim.<sup>53</sup> Law enforcement in Honduras also informally promotes reconciliation. For example, one woman The Advocates interviewed reported how her partner consistently and violently hit her during her pregnancy, causing her to fall and have a miscarriage. After the woman informed the police about the violent abuse she experienced, the police recommended that she try to reconcile with her partner.<sup>54</sup>
25. Domestic violence is treated leniently and provisions are generally not enforced by the justice system. In 2014, the National Human Rights Commissioner (CONADEH) received 4,000 complaints for violations of women's rights, of which 62 percent were for domestic

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<sup>51</sup> *Honduras Second Periodic Report*, *supra* note 19, ¶ 21.

<sup>52</sup> *Id.*, ¶ 32(b).

<sup>53</sup> The Advocates for Human Rights, StopVAW, *Mediation*, Feb. 2008, <http://www.stopvaw.org/mediation>, last visited July 25, 2016.

<sup>54</sup> The information contained in this paragraph is compiled from intake interviews and other interviews conducted with Honduran women between January 2014 and August 2015. Some of the details of the cases have been removed to maintain confidentiality and to protect the identity of the women and their families.



violence.<sup>55</sup> 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.

### 3. Sexual Violence

26. **Cases of rape and sexual violence are previn Honduras.** In 2015, a total of 3,017 sexual violence complaints were filed,<sup>56</sup> an increase from the 2,897 in 2014.<sup>57</sup> During the period from 2011 to 2014, 4,666 (32.3%) of the cases of sexual violence were perpetrated by an acquaintance; the perpetrator was the victim's partner in 2,870 (19.9%) of cases.<sup>58</sup> Rape is "underreported due to fear of stigma, retribution, and further violence."<sup>59</sup> Nonetheless, rape is the third most reported crime in the country and is the most reported sexual crime against women, totaling 61.6% of complaints related to sexual violence.<sup>60</sup>
27. **Honduran women and girls experience gender-based violence at the hands both relatives and strangers.** One woman reported to The Advocates that a cousin attempted to rape her on three occasions, when she was between the ages of 6 and 13. Another woman related how a wealthy older man relentlessly harassed her for 10 months when she was 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.<sup>61</sup>
28. **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

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<sup>55</sup> U.S. Dept of State, *supra* note 17.

<sup>56</sup> Haydi Carrasco, *Honduras registró más de 3,000 casos de abusos sexuales el año pasado*, La Prensa, June 26, 2016, <http://www.laprensa.hn/honduras/974043-410/honduras-registr%C3%B3-m%C3%A1s-de-3000-casos-de-abusos-sexuales-el-a%C3%B1o-pasado>

<sup>57</sup> Centro de Derechos de Mujeres (CDM), *Observatorio de Derechos Humanos de las Mujeres*, Jul. 2015, [http://www.derechosdelamujer.org/tl\\_files/documentos/violencia/Violencia-Sexual-HN-2010-2014.pdf](http://www.derechosdelamujer.org/tl_files/documentos/violencia/Violencia-Sexual-HN-2010-2014.pdf).

<sup>58</sup> *Ibid.*

<sup>59</sup> U.S. Dept of State, *supra* note 17.

<sup>60</sup> FIAN Honduras et al., *supra* note 22.

<sup>61</sup> The information contained in this paragraph is compiled from intake interviews and other interviews conducted with Honduran women between January 2014 and August 2015. Some of the details of the cases have been removed to maintain confidentiality and to protect the identity of the women and their families.

evidence that she had been raped, but with no memory of what had happened during the party.<sup>62</sup>

29. **Women do not go to the police for help and they fear retribution when their perpetrators are gang leaders.** Several women reported that they feared retribution for calling the police. One politically powerful perpetrator threatened to harm his victim's family if she told anyone.<sup>63</sup>
30. **Women sexual violence survivors' ability to access justice is practically nonexistent.** Perpetrators of sexual violence against women are not held accountable in 94.5% of all cases.<sup>64</sup> In 2014, for example, only 276 cases out of 2,621 were resolved.<sup>65</sup> Non-governmental organizations in Honduras criticize the new institutional bodies created to address violence against women as being largely unresponsive, gendered and failing to prioritize sexual violence in their agenda,<sup>66</sup> resulting in widespread impunity.
31. **Fleeing to another part of Honduras often provides no relief from gang violence targeting women.** 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 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.<sup>67</sup>
32. **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.<sup>68</sup>

#### 4. Disappearances

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<sup>62</sup> The information contained in this paragraph is compiled from intake interviews and other interviews conducted with Honduran women between January 2014 and August 2015. Some of the details of the cases have been removed to maintain confidentiality and to protect the identity of the women and their families.

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<sup>64</sup> 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](http://www.derechosdelamujer.org/tl_files/documentos/derechos_humanos/Violence-Women-Honduras-RapporteurONU-June2014.pdf).

<sup>65</sup> CDM, *supra* note 57.

<sup>66</sup> *Ibid.*

<sup>67</sup> The information contained in this paragraph is compiled from intake interviews and other interviews conducted with Honduran women between January 2014 and August 2015. Some of the details of the cases have been removed to maintain confidentiality and to protect the identity of the women and their families.

<sup>68</sup> The information contained in this paragraph is compiled from intake interviews and other interviews conducted with Honduran women between January 2014 and August 2015. Some of the details of the cases have been removed to maintain confidentiality and to protect the identity of the women and their families.

33. In 2006, the Committee expressed concern that enforced disappearance was not a crime in the Criminal Code, thereby contributing to impunity.<sup>69</sup> The Committee recommended that Honduras criminalize enforced disappearance and “ensure that the cases of enforced disappearance are duly investigated, that those responsible are prosecuted and, where appropriate, punished and that the victims or their relatives receive fair and adequate compensation.”<sup>70</sup> The Second Periodic Report notes that in 2012, the National Congress adopted legislation that made enforced disappearance a criminal offense.<sup>71</sup> The report makes no reference to any efforts to investigate enforced disappearances or to prosecute individuals who are responsible for such crimes.
34. **The disappearance of women and young girls is increasing rapidly.** The number of complaints lodged for the disappearance of women jumped from 91 in 2008 to 347 in 2013.<sup>72</sup> From 2011 to 2014, women’s disappearances increased by 216%.<sup>73</sup> Moreover, there have been 155 additional complaints filed for crimes that imply disappearances, such as unjust deprivation of liberty, kidnapping, and human trafficking.<sup>74</sup> Between January and September 2014, the Public Prosecutor received 276 reports of missing women, of which 47% are girls aged between 14 and 18.<sup>75</sup>

## 5. Human Trafficking

35. The Second Periodic Report describes several initiatives to prevent and investigate human trafficking.<sup>76</sup> Yet State efforts to address human trafficking have fallen short. In 2010, 60 percent of all human trafficking cases in Honduras involved commercial sexual exploitation, and 71 percent of victims were women.<sup>77</sup> Instances of trafficking remain “grossly underreported due to the hidden nature of the crime,” as well as “the prevalence of organized crime.”<sup>78</sup> Law enforcement efforts have proven inadequate, and the government relies on civil society organizations to provide services to victims.<sup>79</sup> In 2013, there were 27 registered complaints of trafficking of women for sexual exploitation.<sup>80</sup>
36. Honduran authorities provide little to no help in combatting human trafficking. In 2015, there were no convictions of human traffickers.<sup>81</sup> Local police have been known to provide “protection to brothel owners or [tip] them off about impending raids, and security officials

<sup>69</sup> Concluding Observations, *supra* note 8, ¶ 5.

<sup>70</sup> *Ibid.*

<sup>71</sup> *Honduras Second Periodic Report*, *supra* note 19, ¶ 34.

<sup>72</sup> CDM, *supra* note 57.

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> FIAN Honduras et al., *supra* note 22.

<sup>76</sup> *Honduras Second Periodic Report*, *supra* note 19, ¶¶ 46–53.

<sup>77</sup> Jaime Armando López, *El delito que no se combate*, Connectas, Apr. 30, 2015, <http://connectas.org/la-trata-de-personas-el-delito-que-no-se-combate/>, last visited July 25, 2016.

<sup>78</sup> U.N. Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Mission to Honduras*, (March 31, 2015), U.N. Doc. A/HRC/29/27/Add.1, ¶ 28, available at, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/068/64/PDF/G1506864.pdf?OpenElement>.

<sup>79</sup> U.S. Department of State, *supra* note 6.

<sup>80</sup> FIAN Honduras et al., *supra* note 22.

<sup>81</sup> Jaime Armando López, *El delito que no se combate*, Connectas, Apr. 30, 2015, <http://connectas.org/la-trata-de-personas-el-delito-que-no-se-combate/>, last visited July 25, 2016.

were investigated for purchasing commercial sex acts from child trafficking victims.”<sup>82</sup> One media source reported of a child sex trafficking ring in Tegucigalpa that supposedly operated with police and high-level government protection.<sup>83</sup> Authorities are complicit in the crime of human trafficking, precluding any progress in its prevention and prosecution.

## **6. Suggested Questions for the Government of Honduras**

37. The Committee should pose the following questions to the Government of Honduras:

- What steps is the State party taking to provide effective protection or redress to victims of domestic and sexual abuse?
- What legislative measures will the State party take to support its capacity to effectively investigate, prosecute, and punish all forms of violence against women and provide reparation and/or compensation to victims and their families?
- What action is the State party taking to strengthen the criminal justice response to gender-based violence and end impunity for femicide, domestic violence, and sexual violence?
- What steps are being taken to gain further cooperation with neighboring countries to end cross-border human trafficking? What is being done to educate State officials, like police officers, and the public on the issue of human trafficking and encourage their help to end its practice?
- What plans are there for a comprehensive program to protect women in Honduras from violence, including coordinated community response public education, aggressive prosecutions, and training for law enforcement, investigators, prosecutors, judges, and educators?
- What is being done to 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?
- What plans are there to reform the Ley de Control de Armas de Fuego, Municiones, Explosivos y otros Similares and to prohibit the acquisition, possession, and carrying of firearms by people subject to complaints of family or gender-based violence, regardless of whether a criminal conviction has been recorded?
- What steps has the State Party taken toward enacting legislation that:
  - i. criminalizes marital and intimate partner rape;
  - ii. mandates that police, prosecutors, and the judiciary investigate the level of risk to domestic violence victims when determining bail and other situations;

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<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

- iii. allows victims of gender-based violence to bring civil lawsuits against family member perpetrators, regardless of whether criminal charges are also brought;
  - iv. provides 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;
  - v. allows survivors to bring civil lawsuits against individuals and state entities that fail to prevent, investigate, or punish acts of gender-based violence;
  - vi. provides shelters for victims of gender-based violence with sufficient and regular funding to realistically carry out their work?
- What action is the State Party taking to establish additional crisis centers throughout the country for victims of sexual abuse and domestic violence and to 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?
  - What measures are being taken to ensure that victims of gender-based violence are not pressured to reconcile or participate in “alternative conflict resolution mechanisms” such as mediation with their abuser, responses which are inappropriate and dangerous in the context of domestic violence?