

TREATY BODY MONITOR

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 38TH SESSION (NEW YORK, 23 JULY – 10 AUG 2007) HONDURAS (COMBINED 4TH, 5TH & 6TH REPORTS)

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Information Submitted to the Committee

On 26 July 2007, the Government of Honduras submitted its combined fourth, fifth and sixth periodic reports under the *Convention on the Elimination of All Forms of Discrimination against Women* (the 'Convention'), as well as written responses to the list of issues and questions raised by the Committee on the Elimination of Discrimination against Women (the 'Committee').¹ The delegation from Honduras was headed by Ms. Selma Estrada, Minister of the National Women's Institute, and was comprised of eight other high-level dignitaries, including the President of the Supreme Court of Justice, the Honorable Vilma Cecilia Morales.

Honduras ratified the Convention on 3 March 1983 with no declarations or reservations, and the treaty entered into force on 2 April of the same year.² The delegation informed the Committee of its intention to ratify the Optional Protocol in the coming year.

The combined fourth, fifth and sixth periodic reports were submitted by the Honduran Government on 31 January 2006, the first report submitted to the Committee since 1992. The report emphasises the reforms achieved by the women's movement in the 1990s, primarily with respect to the recognition of domestic violence as a national issue. While various mechanisms have been recently implemented to improve both political participation and judicial access, the report repeatedly acknowledges that inadequate and inequitably distributed resources hinder significant progress in the protection and advancement of Honduran women. The report further admits that a lack of coordination within the Government and insufficient data collection represent substantial barriers to compliance with the Convention.

In its opening remarks, the delegation explained its commitment to ensuring that State policies to further women's rights, and to improving inter-ministerial coordination. The delegation understood its shortcomings regarding statistics, explaining that the problem is not isolated to women's issues, and reported that it is working with its National Statistics Institute and the United Nations Children's Fund (UNICEF) to improve data collection on children, adolescents and women. The delegation noted the important role played by non-governmental organisations (NGOs) in ensuring that the Government upholds its commitments to the protection and advancement of women under local, national, and international law.

A shadow report was submitted by the Center for Women's Rights, a member of the Latin American and Caribbean Committee for the Defense of Women's Rights. The report emphasises the lack of political will to implement policies necessary to give full effect to legislative formal equality. The Center for Women's Rights drew attention to a number of issues, including the lack of statistical data disaggregated by gender, high murder rates of women and the inadequate resources of the National Institute of Women. Other issues covered in the shadow report included failure to ratify the Optional Protocol, gender-based pay disparities, low wages for factory workers, pregnancy tests in the labour market, the adverse effect of current free market treaties on workers' rights, high rates of child-birth related maternal deaths and HIV/AIDS, religious interference with the sexual education curriculum, and the unavailability of abortion and emergency contraception.

Honduras is also a party to the *International Convention on the Elimination of all Forms of Racial Discrimination*, the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Convention on the Rights of the Child*, and the *International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families*.³

¹ <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>.

² <http://www.ohchr.org/english/law/index.htm>.

³ <http://www.ohchr.org/english/law/index.htm>.

Themes and Issues⁴

Legal Framework

The Constitution of Honduras prohibits '[a]ll forms of discrimination on account of sex, race, class or any other reason prejudicial to human dignity.'⁵ The delegation reported that the legal framework set up to enforce this principle for women is embodied in laws such as the Law on Domestic Violence,⁶ adopted in 1997 and amended in 2006,⁷ the Law on Equal Opportunities, adopted in 2000,⁸ and Electoral Law reforms enacted in 2004.⁹ In its opening remarks, the delegation emphasised the country's commitment to training the judiciary and law enforcement to ensure that the Convention's principles of equality and anti-discrimination are enforced. It also reported that the Supreme Court of Justice has been working to rewrite remaining discriminatory provisions which greatly disadvantage women.

Despite the existence of the laws cited, Committee expert Ms. Patten noted that discriminatory provisions persist in both the family law and the labour code. Ms. Patten expressed concern about the judiciary's long delays and insensitivity to gender matters, in addition to women's lack of access to judicial remedies. She also noted that no judicial opinion in Honduras either references or acknowledges the Convention as a matter of Honduran law.

Justice Morales responded that significant progress has been made by the Courts to link national and international law, and that she has witnessed a change in the attitudes of judges, prosecutors, and law enforcement officers due to training funded by the judiciary and international donors. While she recognised a historical reluctance by judges to consider international instruments such as the Convention, she reported that international law is now being invoked and incorporated into court judgments.

Although Justice Morales reported that some family courts have been established, the delegation did not provide information on legal aid assistance or know-your-rights information provided for women in need.

National Machinery

In February 1999, the National Women's Institute ('INAM' in Spanish) was established as the Government agency responsible for the protection and advancement of Honduran women.¹⁰ Additional mechanisms in place to ensure the protection and advancement of women include the Special Public Prosecutor's Office for Women, the Office of the National Human Rights Commissioner, and the Interagency Commission on the Law against Domestic Violence. Honduras's National Policy on Women for 2002-2007,¹¹ officially adopted by the Government in 2002, formulates policies and goals for five priority areas: health, education and media, social and political participation, economics and poverty, and violence.

According to the delegation, INAM is part of the Honduran cabinet, working to see that the national budget earmarks funds for gender matters and that recipients of funding actually receive and benefit from allocations. Committee experts Ms. Neubauer, Ms. Gaspard, and Ms. Chutikul inquired about INAM's specific mandate, capabilities, and authority regarding the promotion of gender mainstreaming and gender equality, voicing

⁴ For a more detailed description of the dialogue between the Committee and the delegation, see the press release of the proceedings, available at <http://www.un.org/News/Press/docs/2007/wom1641.doc.htm>.

⁵ Honduras Constitution, Article 60.

⁶ Law on Domestic Violence, approved by Decree 132/97, November 15, 1997.

⁷ Law on Domestic Violence, approved by Decree 132/97, November 15, 1997, reformed March 11, 2006.

⁸ Law on Equal Opportunities, approved by Decree 34-2000, April 28, 2000.

⁹ Electoral Law: Decree 44-2004, May 15, 2004: Title 6, Articles 98-105.

¹⁰ Law on the National Women's Institute, Decree 232-98, February 11, 1999.

¹¹ National Policy on Women, First National Equal Opportunities Plan: 2002-2007.

concern that INAM's low hierarchical level and lack of resources render it powerless to persuade other Ministries to abide by the Convention. Ms. Neubauer and Ms. Gaspard urged the delegation to monitor and evaluate the success of gender equality measures throughout the Government and to provide women with the opportunity to make necessary complaints. Ms. Chutikul noted that INAM's staff totals only 50 people and that staff is constantly revolving, resulting in a lack of institutional knowledge and accumulated technical expertise. Further, Ms. Chutikal drew attention to the fact that INAM's budget is only 0.001 per cent of the national budget and questioned whether the existence of inter-ministerial coordinating bodies might improve coordination and collaboration.

Minister Estrada agreed that INAM's scant budget greatly inhibits its ability to perform its mandate, particularly with a population of 7 million inhabitants, 51 per cent of whom are women. She explained that INAM has been working to overcome budgetary obstacles by entering into inter-ministerial agreements to achieve equality and eliminate discrimination, and has been seeking international donor support, including a one million dollar grant from Swedish donors. Minister Estrada reported that she is currently investigating steps necessary to transform INAM into a state ministry, recognising the importance of having the same status as the Government's 15 ministries. She also realised the importance of working with women's NGOs to bolster adherence to the Convention in Honduras.

Temporary Special Measures

The only temporary special measure to achieve *de facto* gender equality reported by the delegation was Article 105 of the Law on Elections and Political Organisations,¹² which sets out a 30 per cent minimum quota for women's participation in elected offices. However, as Committee expert Ms. Begum pointed out, even this quota has not been met. Ms. Begum and Ms. Gaspard encouraged the delegation to consider the implementation of temporary special measures to enforce all aspects of the Convention, to establish concrete quotas and deadlines for the achievement of its goals, and to rely on General Recommendation 25¹³ for assistance in interpreting Article 4(1) of the Convention.

Violence Against Women

The delegation focused the majority of its time and energy reporting on government measures to reduce and react to violence against women in Honduras. The delegation spoke about the domestic violence training of law enforcement and the judiciary, in addition to the recent creation of family courts and integrated centres staffed with prosecutors, public defenders, police officers, and forensic physicians to improve access and reduce bureaucratic hurdles for battered women. The delegation reported that INAM has been working with the Special Public Prosecutor's Office for Women and with law enforcement to follow up with all complaints relating to domestic violence. Further, the Supreme Court of Justice has been working to define femicide and to develop related sentencing guidelines.

Ms. Patten questioned the efficacy of domestic violence training, having learned that police officers in Honduras continue to promote reconciliation between perpetrators and victims. Committee expert Heisoo Shin stressed that, while a lack of resources can be a hindrance in other areas, police officers do not need additional funding to abide by and enforce national laws against violence. She encouraged the delegation to ensure that every police officer follows up on complaints, and reminded the delegation that without their cooperation and dedication, many cases will never see justice done. Committee expert Ms. Pimentel pointed to the NGO shadow report reflecting high levels of impunity in domestic violence cases, and expressed her great dismay over the courts' use of evidence of vaginal secretions to dismiss sexual violence allegations. Having received reports of arbitrary violence against gays and lesbians, Ms. Pimentel also asked whether INAM is working to protect their rights.

¹² Law on Elections and Political Organisations, Decree 44-2004, Title VI, Article 105.

¹³ [http://www.un.org/womenwatch/daw/cedaw/recommendations/General_per_cent20recommendation_per_cent2025_per_cent20\(English\).pdf](http://www.un.org/womenwatch/daw/cedaw/recommendations/General_per_cent20recommendation_per_cent2025_per_cent20(English).pdf).

Justice Morales explained that a recently introduced legal provision would ensure that women are protected throughout the judicial process. She acknowledged that reconciliation had been promoted in the past but said that training has reduced the frequency of this practice. Police Inspector Doris Cortez reported that the police academy's curriculum contains a course on domestic violence prevention and legal reforms, and that police officers failing to abide by domestic violence protocols are investigated. Ms. Cortez recognised that not all of the 15,000 national police officers have been trained but reported that manuals are being updated, checklists are being printed, and the police force is aiming to have officers specifically designated to address domestic violence posted throughout the country. The Special Public Prosecutor for Women's Affairs, Ms. Irma Grissel Amaya, stated that women are able to submit domestic violence complaints to the police directly and that the prosecutor's office and the police have the power to provide emergency relief. Ms. Amaya also explained that a greater awareness of domestic violence issues by the judiciary is evidenced by harsher sentences and a more consistent application of domestic violence laws. Minister Estrada also pointed out that a 24 hour hotline exists to assist domestic violence survivors, though she noted that the hotline does not service the entire country.

Trafficking in Women and Prostitution

Committee expert Ms. Simms drew attention to Honduran laws punishing women prostitutes but failing to criminalize their solicitation by men, and urged the Government to go after the men creating the demand for prostitution and the dangerous practice of sex trafficking. Ms. Simms and Ms. Chutikul noted the lack of information provided to the Committee regarding the trafficking of women and girls in and out of Honduras. Ms. Chutikul recommended separating human trafficking laws from those concerning commercial sexual exploitation, and encouraged the Government to ratify the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention against Transnational Organized Crime*.

Justice Morales reported that pimps have been convicted and that draft reforms to the criminal code regarding prostitution will be submitted to the National Congress in August 2007. Prosecutor Amaya explained that some of the difficulties of quantifying sex trafficking in Honduras result from the increasing sophistication of traffickers, operating out of bars, nightclubs, massage parlours, beauty salons, and high-class hotels. The office of the Special Public Prosecutor for Women's Affairs has been working with NGOs such as Casa Alianza to identify routes, to provide legal and social services to victims, and to convict sex traffickers. The Special Prosecutor has also been working to reform attitudes towards victims and has recently participated in the development of a National Plan of Action against Sexual Exploitation.

Stereotyping and Awareness-Raising

Committee expert Ms. Maiolo emphasised the importance of women working in the media to combat gender stereotypes and requested information regarding the number of women journalists and their role in reshaping negative images. The delegation reported that it is working to change cultural patterns hampering progress by educating members of the media on the adverse consequences of gender stereotyping, particularly for indigenous women. INAM has been training journalism students and advertisers on its vision of gender equality. The delegation has also been working with the 60,000 member teachers' union to adjust classroom attitudes.

Participation in Public Life

With respect to women's political participation, the delegation reiterated that while progress has been slow, Article 105 of the election law seeks to improve women's access to elected office by setting a minimum quota of 30 per cent participation. Minister Estrada pointed to the presence of eight women judges on the Supreme Court of Justice, including its president, as a sign of progress, and reported that women presently make up 26 per cent of the National Congress.

Ms. Neubauer questioned the efficacy of the 30 per cent quota and political parties' adherence to the law, noting unstable trends in women's political participation in Honduras. Further, Ms. Gaspard suggested sanctions for political parties that fail to comply with the quota provisions.

Minister Estrada explained that she has met with political parties and women's NGOs to improve the numbers of women running for office. She admitted that the 30 per cent quota, when first established in 2002, was largely ignored. When the quota was enacted in the 2004 electoral reforms, the absence of enabling legislation impeded its success. Although some political parties met the requirement, many women candidates tended to be far down on the electoral lists. While women's NGOs attempted to hold political parties accountable, the electoral tribunal failed to enforce the quota. Minister Estrada has begun meeting with political parties and securing commitments that women will appear on electoral lists, with one party promising equal numbers of men and women candidates.

Education

The delegation provided little information on improvements to educational access for women and girls. Minister Estrada spoke about a literacy campaign in 54 municipalities which has helped approximately 700 women. In its responses to the list of issues and questions raised by the Committee, the delegation also stated that gender issues have been included in the national curriculum.

Committee expert Ms. Neubauer pointed to a lack of statistical information in the combined report and the written responses, as well as a failure of the Government to detail its efforts to pursue gender equality in education. She drew attention to prevailing stereotypes regularly transmitted to new generations in school, and expressed concern about the level of gender equality awareness in the educational system. Ms. Estrada agreed with Ms. Neubauer on the importance of data collection for reaching educational goals and promised to supply related statistical data in the seventh periodic report. Committee expert Ms. Simms observed that 30 per cent of indigenous and black children do not attend school, and requested more information on the kinds of government strategies and interventions being developed to address the problem.

Employment and Migration

One of the most significant issues concerning the Committee was the situation of women labourers, within and outside of Honduras. Repeating its concern that statistical information be compiled and included in future reports, the Committee sought details on plans to assist women working in the informal labour market. Committee expert Ms. Patten noted that low and unstable earnings, a lack of social protections, and invisibility greatly harm Honduran domestic workers. The delegation agreed that women's contributions to the informal labour market have not been duly recognised, and claimed that measures have been undertaken to support domestic workers, such as social security registration drives, micro-credit programs, improved access to housing, and collaboration with United Nations Development Fund For Women (UNIFEM) to provide support to migrants in border areas.

In the case of the *maquilas*,¹⁴ Ms. Patten voiced concern about reports of pregnancy tests, inhumane working conditions, unrealistic production goals, low wages, nonexistent overtime pay, arbitrary dismissals when women refuse to work weekends, and unforeseen closures without severance pay. Mr. Arnaldo Solís, President of the Honduran Maquiladores Association, reported that *maquilas* have adequate air conditioning, lighting, subsidized cafeterias, and sufficient training and onsite health care. Mr. Solís also explained that the per capital income of the *maquila* workers is \$4,921 annually, compared to \$903 annually in other sectors, reflecting the second highest wage rate in Central America. He explained that his organisation works with

¹⁴ *Maquilas* are primarily garment factories based in Latin America that import raw materials tax-free and export assembled goods, typically back to the originating country.

contracting companies and trade unions to ensure that labour standards are met and that any *maquilas* in violation are given a deadline to remedy the breach, and that if the deadline is not met, the contract is revoked.

Committee expert Ms. Maiolo expressed concerns that children as young as eight years old are being allowed to work in the *maquilas*. The Special Public Prosecutor for Children's Affairs, Ms. Nora Urbina, responded that the Ministry of Labor has convened a technical group dedicated to eliminating child labour, which has drafted legislation establishing certain conditions for child labourers. Additional efforts are being undertaken to educate and train child labourers on the weekends.

Ms. Simms inquired into whether employment opportunities exist for women in the forestry industry, given its higher salary rates, and asked what the Government is doing to see that women have access to this sector and what the ecological protections exist to prevent multinational corporate exploitation. Minister Estrada reported that she has met repeatedly with the forestry commission and that ecological protection is a serious concern.

Health

In its opening remarks, the delegation reported that it is developing national policies to meet the United Nations Millennium Development Goals,¹⁵ particularly regarding the treatment of women with HIV and AIDS. Efforts include teacher training and collaboration with women's NGOs to improve sexual education and the delivery of anti-retroviral medication to infected persons.

Committee expert Ms. Shin focused on the high rates of adolescent pregnancy and the unavailability of abortion in Honduras. She noted that the women's health situation, as described in the combined report, is extremely depressing, with women dying as a result of pregnancy complications, unsafe abortions, and the HIV/AIDS pandemic. Ms. Shin was greatly disturbed by information that government officials are barring sex education in schools at the urging of religious groups. Ms. Pimentel emphasised the importance of permitting abortions to protect the life of the mother and in cases of rape and incest.

Minister Estrada acknowledged recent controversies surrounding sexual education, and said that the Minister of Education agreed that the legislature cannot infringe on the ministry's responsibilities, and that it would continue its work to educate teachers to provide sexual education. Ms. Urbina reported that 26 clinics serve pregnant teenagers, providing prenatal care, family planning, child rearing and child care information.

Rural Women

Ms. Begum underscored that 45,000 women, primarily rural women, are engaged in farm work in Honduras, and stressed how important it is that these women receive equal pay for equal work and have the same access to agricultural modernisation and mechanisation. Ms. Begum inquired into the availability of health, education, and employment opportunities for rural and indigenous women, including the existence of micro-credit programs, marketing resources, and other legal and financial supports.

Minister Estrada explained that she led an organisation that provided micro-credit loans, vocational training, and practical and psychological support to more than 130,000 women over the years. Drawing on her experience, she has met with the Minister of Agriculture to obtain funding and collaboration on similar government projects. Minister Estrada is also developing a legislative proposal to improve women's access to land by requiring that deeds be registered in both the husband and the wife's name. The cabinet recently issued a decree requiring ministries to assist indigenous communities of African origin.

¹⁵ <http://www.un.org/millenniumgoals/goals.html>.

Conclusion and Next Steps

The delegation concluded by thanking the Committee for the opportunity to discuss its short-term and long-term progress in meeting its obligations under the Convention. The delegation agreed to engage in a public forum with government ministries, NGOs, and the media upon receipt of the Committee's concluding comments, and to continue a frank and open discussion of the protection and advancement of women in Honduras. Recognising many of its shortcomings, the delegation vowed to greatly improve its statistical data collection efforts and to submit a more complete report to the Committee next year.

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