



**Honduras' Compliance with the Convention Against Torture
Parallel Report Relating To Violence Against Women**

Submitted by

The Advocates for Human Rights,

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

58th Session of the Committee against Torture

25 July 2016 - 12 August 2016

Submitted 1 July 2016

Reporting Organization

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. 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%.”¹ She continued, “statistics from the Public Prosecutor’s Office reflect approximately 16,000 reported allegations of numerous manifestations of violence against

¹ 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 Sept. 11, 2014.

women for 2012, with 74.6% related to domestic and intra-family violence, and 20% related to sexual offences.”² Rape is the most common form of sexual violence in Honduras.³

2. 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.⁴ 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.⁵
3. Honduras is both a source and transit country for human trafficking, and women are particularly vulnerable to sex trafficking.⁶ Passed in April 2012, the Honduran anti-trafficking law provides penalties of up to 15 year’s imprisonment for human trafficking.⁷ Although there are increased law enforcement efforts, Honduras continues to have problems with data collection, providing victims’ services, and prosecuting offenders.

Honduras fails to uphold its obligations to protect women from violence under the Convention Against Torture

4. Honduras ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (“the Convention”) on December 5, 1996.⁸ The Convention defines torture in Article 1 as severe mental or physical pain or suffering that is intentionally inflicted either by a State actor or with the consent or acquiescence of a State actor for an unlawful purpose.⁹ The Convention also obligates Honduras to protect victims from domestic violence and hold perpetrators accountable in: Article 2 (non-derogable requirement of effective legislative, administrative, judicial or other measures to prevent acts of torture, including acts by private actors; Article 4 (acts of torture must be identified as offenses under criminal law and receive the appropriate penalty); Article 7 (criminalized cases of torture should be submitted to authorities for prosecution); Article 12 (prompt investigation by impartial and competent authorities); Article 13 (victim’s right to complain and to have their complaint examined by competent authorities, State’s obligation to protect victim and witnesses); and Article 14 (victim’s right to redress and compensation, including rehabilitation).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ 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.

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

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

⁸ United Nations, *Treaty Collection*, available at, https://treaties.un.org/Pages/ViewDetails.aspx?src=treaty&mtdsg_no=iv-9&chapter=4&lang=en.

⁹ The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984). Also available online at <http://www.ohchr.org/Documents/ProfessionalInterest/cat.pdf>.

5. The Committee against Torture (“the Committee”) has clarified that domestic violence falls under the purview of the obligations set forth in the Convention.¹⁰ Violence against women, such as domestic violence, contravenes the Convention when the government fails to prevent such violence from taking place and does not prosecute or punish perpetrators of the violence.¹¹ As stated in General Comment No. 2:

...where State authorities or others acting in official capacity or under color of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with this Convention, the State bears responsibility and its officials should be considered authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts. Since the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the Convention with impunity, the State’s indifference or inaction provides a form of encouragement and/or *de facto* permission. The Committee has applied this principle to States parties’ failure to prevent and protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation and trafficking.¹²

6. The Committee has also recognized State party obligations to report on violence against women by private actors in communities and homes and the measures taken to prevent and punish such violence,¹³ ensure adequate care and protection for victims to avoid re-traumatization during legal procedures,¹⁴ provide adequate legal aid to victims lacking the necessary resources to bring complaints and make claims for redress,¹⁵ take measures to protect victims against intimidation and retaliation “at all times before, during and after judicial, administrative or other proceedings that affect the interests of victims,”¹⁶ and not impede the enjoyment of the right to redress through, for example, “evidential burdens and procedural requirements that interfere with the determination of the right to redress” or the

¹⁰ U.N. Committee Against Torture (CAT), *General Comment No. 2: Implementation of Article 2 by States Parties*, (hereinafter referred to as “General Comment No. 2”) (Jan. 24, 2008), U.N. Doc. CAT/C/GC/2, ¶ 18. Also available online at <http://www.refworld.org/docid/47ac78ce2.html>.

¹¹ The Advocates for Human Rights, StopVaw, available at, http://www.stopvaw.org/Convention_against_Torture_and_Other_Cruel_Inhuman_or_Degrading_Treatment_or_Punishment_CAT.html (Accessed: June 27, 2016); see also, Amnesty International, “Broken bodies, shattered minds: Torture and ill-treatment of women”, March 2001, available at, <http://www.amnesty.org/en/library/asset/ACT40/001/2001/en/b68fe481-dc5f-11dd-bce7-11be3666d687/act400012001en.pdf>.

¹² General Comment No. 2, ¶ 18.

¹³ General Comment No. 2, ¶ 22.

¹⁴ U.N. Committee Against Torture (CAT), *General Comment No. 3: Implementation of Article 14 by States Parties*, (hereinafter referred to as “General Comment No. 3”), (Nov. 19, 2012), U.N. Doc. CAT/C/GC/3, ¶¶ 21, 33. Also available online at http://www2.ohchr.org/english/bodies/cat/docs/GC/CAT-C-GC-3_en.pdf

¹⁵ General Comment No. 3, ¶ 30.

¹⁶ General Comment No. 3, ¶ 31.

“failure to provide sufficient legal aid and protection measures for victims.”¹⁷

7. In its last review of Honduras in 2009, the Committee noted in its Concluding Observations several concerns regarding violence against women, enforced or involuntary disappearances, and human trafficking. The Committee expressed deep concern at “the prevalence of many forms of violence against women and girls, including sexual abuse, domestic violence and femicide, and at the absence of thorough investigations into the incidence of violence against women.”¹⁸
8. The Committee strongly recommended that Honduras “increase its efforts to ensure that urgent and efficient protection measures are put in place to prevent, combat and punish perpetrators of violence against women and children, including sexual abuse, domestic violence and femicide,” as well as “conduct widespread awareness-raising campaigns and training on violence against women and girls for officials [...] who are in direct contact with the victims, as well as for the public at large.”¹⁹
9. The Committee also expressed concern at the “insufficient investigation, punishment and compensation” for crimes of enforced or involuntary disappearance and urged the State “to amend the Honduran Criminal Code in line with the Convention for the Protection of All Persons from Enforced Disappearance.”²⁰
10. The Committee noted its concern “about persistent reports of internal and cross-border trafficking in women and children for both sexual and other exploitative purposes”²¹ and recommended that Honduras “increase its efforts to seek international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking,” as well as “continue to conduct nationwide awareness-raising campaigns.”²²
11. The Committee expressed regret that Honduran “legal provisions do not cover trafficking for reasons other than sexual purposes and that officials suspected of trafficking activities are not properly investigated”²³ and recommended that Honduras “amend the Criminal Code to include all exploitative purposes of trafficking,” as well as “conduct training for law

¹⁷ General Comment No. 3, ¶ 38.

¹⁸ U.N. Committee Against Torture (CAT), *Concluding Observations of the Committee against Torture: Honduras* (hereinafter referred to as “Concluding Observations”), (June 23, 2009), U.N. Doc. CAT/C/HND/CO/1, ¶ 21. Also available online at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhspR0ZUWF1UBfV7uhJtKqR3mDCiLT%2f97%2f5Ex2Jrn7loK411IBqp5zgw%2fQYjXa4Y%2fJ2g%2fsDD6g5Fk7aAoD3SFfysjEZ1O%2b0VgLNmSRa7pkTAsw>

¹⁹ *Ibid.*

²⁰ U.N. Committee Against Torture (CAT), *Concluding Observations of the Committee against Torture: Honduras* (hereinafter referred to as “Concluding Observations”), (June 23, 2009), U.N. Doc. CAT/C/HND/CO/1, ¶ 11. Also available online at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhspR0ZUWF1UBfV7uhJtKqR3mDCiLT%2f97%2f5Ex2Jrn7loK411IBqp5zgw%2fQYjXa4Y%2fJ2g%2fsDD6g5Fk7aAoD3SFfysjEZ1O%2b0VgLNmSRa7pkTAsw>

²¹ *Concluding Observations*, ¶ 26.

²² *Concluding Observations*, ¶ 13.

²³ *Ibid.*

enforcement officials, migration officials and border police on the causes, consequences and incidence of trafficking and other forms of exploitation.”²⁴

12. The Committee further noted in its Concluding Observations “the lack of comprehensive and disaggregated data on complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment by law enforcement officials, as well as on trafficking in persons and domestic and sexual violence:.. The Committee recommended that the State party “establish an effective system to gather all relevant statistical data” while respecting the terms of confidentiality and taking “appropriate measures [...] to ensure that there is no misuse of the data collected.”²⁵
13. In its List of Issues Prior to Reporting, the Committee requested that Honduras, with “reference to the Committee’s previous concluding observations,” please comment on reports that the number of women murdered in Honduras has risen in recent years, as well as provide updated information on the measures taken by the State party to prevent and combat violence against women, including domestic and sexual violence, and to punish the perpetrators of such violence.²⁶ The Committee also asked Honduras to provide:
- Detailed information on the special training and awareness-raising programs provided for law enforcement personnel and other officials who come into direct contact with victims of gender-based violence.²⁷
 - Statistics on the different forms of violence against women and the number of decisions handed down by the courts in this regard, including the number of convictions and corresponding penalties.²⁸
 - The number of complaints, investigations, convictions and sentences imposed relating to cases of violence against women, including sexual violence, which have occurred during the suppression of demonstrations or in places of detention since 2009, as well as the preventive measures taken in this regard.²⁹
 - Information on whether enforced disappearance has been specifically criminalized in the State party, and if so, the text of the relevant legislation.³⁰
 - Information on the legal framework that is in place to combat trafficking in persons for purposes of forced labour and sexual exploitation.³¹
 - Details on the impact of the Action Plan to Combat the Commercial Sexual Exploitation of Children and Adolescents (2006–2011) and the specific measures taken for its implementation.³²

²⁴ Ibid.

²⁵ Concluding Observations, ¶ 26.

²⁶ Committee against Torture, *List of issues prior to the submission of the second periodic report of Honduras* (hereinafter referred to as “LOIPR”), (July 11, 2012), U.N. Doc.CAT/C/HND/Q/2, ¶ 9. Also available online at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fHND%2fQ%2f2&Lang=en

²⁷ Ibid.

²⁸ Ibid.

²⁹ LOIPR, ¶ 25.

³⁰ LOIPR, ¶ 2.

³¹ LOIPR, ¶ 11.

³² Ibid.

- The number of complaints lodged, investigations and prosecutions undertaken, and convictions and sentences handed down in instances of trafficking in persons for purposes of forced labour and sexual exploitation.³³
- Information on the measures taken to establish an effective mechanism to identify victims of trafficking found in the State party who are in need of international protection.³⁴

I. Legal Reform and Implementation of Measures to Address Gender-based Violence

14. 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 Domestic Violence Law 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 penalty for a first offense is a sentence of one to three months of community service"³⁵ and "24-hour preventive detention if the violator is caught in the act."³⁶
15. In 2013, Honduras amended its Criminal Code to include the crime of femicide in Article 321,³⁷ as well as to add a provision that makes the commission of a crime with hatred or contempt on the basis of sex or gender an aggravating circumstance.³⁸ In its Periodic Report, Honduras reported taking some measures to implement laws that protect women from violence, creating a Femicide Unit within the Directorate-General of Criminal Investigation³⁹ as well as establishing Domestic Violence Offices at all departmental headquarters.⁴⁰ The Honduran Supreme Court of Justice established specialized court on domestic violence and the Gender Unit, which "provides training and information on issues related to all forms of discrimination against women through the design and implementation of campaigns on the cycle of violence."⁴¹ Additional measures have been taken by the Honduran government to improve the collection of statistics related to and services for victims of violence against women.

³³ Ibid.

³⁴ Ibid.

³⁵ U.S. Department of State, *Country Reports on Human Rights Practices for 2015: Honduras* (June 2016), available at, <http://www.state.gov/documents/organization/253235.pdf>

³⁶ U.S. 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&dliid=236698>

³⁷ Secretaría de Estado en los Despachos de Justicia y Derechos Humanos de la Republica de Honduras, *Informe de Medio Termino sobre el Avance de Cumplimiento de las Recomendaciones Formuladas al Estado de Honduras en el Marco del Examen Periodico Universal* (hereinafter referred to as "Informe de Medio Termino"), Vigésimosegunda Sesión del Consejo de Derechos Humanos, Tegucigalpa, Mar. 18, 2013, 19.

³⁸ *Informe de Medio Termino*, 3.

³⁹ Committee on the Elimination of Discrimination against Women, *Consideration of reports by States parties under Article 18 of the Convention: Seventh and eighth reports of states parties to be presented in 2012*; Honduras, U.N. Doc. CEDAW/C/HND/7-8, ¶ 170.

⁴⁰ *Informe de Medio Termino*, 18.

⁴¹ Committee against Torture, *Consideration of reports submitted by State parties under Article 19 of the Convention under the option reporting procedure: Honduras* (hereinafter referred to as "Periodic Report"), (Aug. 14, 2015), U.N. Doc. CAT/C/HND/2, ¶ 60.

16. In its Periodic Report, the Government of Honduras describes the implementation of several policy measures to address violence against women. The executive branch, by the agency of the National Institute for Women, has developed the National Policy on Women: Second Gender Equality Plan to “combat violence against women in different environments” as well as further the promotion, protection, and assurance of the “right of women, girls, and adolescents to peace and to a life free of violence.”⁴² This Gender Equality Plan has produced “a normative framework of public policies recognizing and guaranteeing the rights of women,” which has served as a critical “technical and policy tool for mainstreaming gender equality.”⁴³
17. In 2015, the Government opened reporting centers in Tegucigalpa and San Pedro Sula where women can now report crimes and seek medical attention.⁴⁴ 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 quantity and quality of services provided at these offices varied.⁴⁵
18. 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 last review by the Committee.

II. Information Reported to The Advocates by Women Fleeing Violence in Honduras

19. In its case intake process, The Advocates has seen a dramatic increase in the number of Honduran women who have fled gender-based violence and in order to seek asylum in the United States.⁴⁶ Each case is different, but their experiences confirm that the legal system and policies in place in Honduras are not protecting women from gender-based violence or providing victims with the necessary support and services. Moreover, the legal system and policies fail to hold perpetrators accountable.
20. **Honduran women and girls experience gender-based violence at the hands both relatives and strangers.** One woman reported how 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.
21. **Women face domestic violence from intimate partners.** Several women reported that their intimate partners beat them in front of their young children. One woman reported that her

⁴² Periodic Report, ¶ 56.

⁴³ Periodic Report, ¶ 57.

⁴⁴ 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>

⁴⁵ Ibid.

⁴⁶ The information contained in the following nine paragraphs 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.

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.

22. Many women 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.
23. **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 evidence that she had been raped, but with no memory of what had happened during the party.
24. **Fleeing to another part of Honduras often provides no relief.** 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 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 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. 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.
25. **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.

26. **Women do not go to the police for help and they fear retribution when their perpetrators are gang leaders 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. Others reported that they feared retribution for calling the police. One politically powerful perpetrator threatened to harm his victim's family if she told anyone. 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 called his victim, who had fled, and threatened that if she went to the police, he would shoot and kill her.
27. **Even when women do turn to local law enforcement, they 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.
28. **Instead of providing protection, police and other systems actors often encourage reconciliation with the abuser.** One woman 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.
29. **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.

III. Gender-based Violence Continues to Increase in Honduras (LOIPR para. 9)

30. The experiences of The Advocates' female asylum clients reflect the failure of the Honduran justice system actors to protect victims of domestic and sexual violence, as well as the fact that Honduran society does not expect law enforcement officials to respond adequately to complaints of violence against women. In general, domestic and sexual violence cases are

handled with “systematic indifference of the police.”⁴⁷ Violence against women in Honduras is underreported due to societal pressures on victims, fear of reprisal, and a belief among victims that the laws will not be enforced. Even when a rape case is investigated, the perpetrator is not always punished.

31. Many argue that systemic failures are related to the largely “institutionalized”⁴⁸ violence against women in Honduras, which has an entrenched “machismo and patriarchal culture.”⁴⁹ Between 2010 and 2014, 15,833 incidents of sexual violence were reported,⁵⁰ of which barely 888 received sentencing.⁵¹ 94% of crimes of sexual violence go unpunished.

Gun Violence and Femicide

32. 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 100,000,⁵² one of the highest in the world. An average of 37 women died each month in Honduras in 2015.⁵³
33. Femicide rates are increasing “with an alarming rate.”⁵⁴ In the period between 2003 and 2015, some 5,411 women have suffered violent deaths in Honduras.⁵⁵ From 2005 to 2012, violent deaths of women steadily increased, from 175 deaths per year to 606 deaths per year, an increase of 246.3% over eight years. A woman is murdered every 16 hours in Honduras.⁵⁶ In 2014, the femicide rate was 14.6 per 100,000⁵⁷ and 71% of these killings were by firearms.⁵⁸

⁴⁷ 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 Sept. 11, 2014. See also: <http://www.s21.com.gt/internacionales/2015/11/17/cada-16-horas-muere-una-mujer-violencia-machista-honduras>, Nov 17, 2015.

⁴⁸ 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>.

⁴⁹ Agencia EFE, *Cada 16 horas muere una mujer por violencia machista en Honduras*, Siglo21.com.gt, Nov. 17, 2015, <http://www.s21.com.gt/internacionales/2015/11/17/cada-16-horas-muere-una-mujer-violencia-machista-honduras>, last visited Jan. 21, 2016

⁵⁰ 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

⁵¹ Ibid.

⁵² 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>

⁵³ 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>

⁵⁴ Agencia AFP, *Femicidio en Honduras alcanzó niveles de epidemia*, El Herald, June 24, 2015, <http://www.elheraldo.hn/pais/852586-214/femicidio-en-honduras-alcanz%C3%B3-niveles-de-epidemia>.

⁵⁵ *Supra* note 50.

⁵⁶ 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.

⁵⁷ 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..>

⁵⁸ 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. See also Universidad Nacional Autónoma de Honduras (UNAH) and Instituto Universitario en Democracia, Paz y Seguridad (IUDPAS), IUDPAS,

34. 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.⁵⁹ Moreover, “the lack of accountability for violations of human rights of women is the norm rather than the exception” in Honduras.⁶⁰ Some public officials are apparently unaware of the legal definition of this crime or disagree with its creation.⁶¹ This inaction has impeded progress in the prevention, investigation, and sanction of such crimes.

Domestic Violence

35. 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.⁶² 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.⁶³

36. 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 violence.⁶⁴ 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.

37. In addition, according to the U.S. State Department, the Government operates 5 domestic violence shelters in Honduras but provides insufficient financial and other resources to enable them to operate effectively.⁶⁵ Government prosecutors and NGOs report that most female victims of domestic violence are trapped in a situation of violence due to economic dependence on their male partner, their role in caring for children, and the lack of shelters.⁶⁶ They generally have no place to go other than to the homes of family members, friends, or neighbors—places where they often face continued threats and violence from their abusers.

Boletín Especial sobre Muerte Violenta de Mujeres, Boletín Enero - Diciembre de 2013, Edición Especial No. 17, Enero de 2014. http://www.oas.org/en/iachr/media_center/PReleases/2014/146A.asp

⁵⁹ *Supra* note 1.

⁶⁰ 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.

⁶¹ 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.

⁶² 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>.

⁶³ U.S. Department of State, *Country Reports on Human Rights Practices for 2015: Honduras* (June 2016), available at: <http://www.state.gov/documents/organization/253235.pdf>

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

38. Honduras has developed a National Plan to Combat Violence against Women 2014-2022, which aims to prevent and prosecute gender-based crimes.⁶⁷ In addition, the Government has recently implemented *Ciudad Mujer*, a project intending to assist female victims of violence through providing integrated public services to women, focusing on economic independence, protection and social development.⁶⁸

Sexual Violence

39. In 2015, a total of 3,017 sexual violence complaints were filed,⁶⁹ an increase from the 2,897 in 2014.⁷⁰ 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.⁷¹ 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.⁷²

40. Women sexual violence survivors' ability to access to justice is practically nonexistent, given the fact that perpetrators are not held accountable in 94.5% of all cases.⁷³ In 2014, for example, only 276 cases out of 2,621 were resolved.⁷⁴ 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,⁷⁵ resulting in widespread impunity.

Disappearances

41. The number of complaints lodged for the disappearance of women jumped from 91 in 2008 to 347 in 2013.⁷⁶ From 2011 to 2014, women's disappearances increased by 216%.⁷⁷

⁶⁷ 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.

⁶⁸ 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>

⁶⁹ 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>

⁷⁰ 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.

⁷¹ Ibid.

⁷² *Supra* note 50.

⁷³ 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.

⁷⁴ 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.

⁷⁵ Ibid.

⁷⁶ *Supra* note 71.

⁷⁷ *Supra* note 72.

Moreover, there have been 155 additional complaints filed for crimes that imply disappearances, such as unjust deprivation of liberty, kidnapping, and human trafficking.⁷⁸ Between January and September 2014, the Public Prosecutor received 276 reports of missing women, of which 47% are girls aged between 14 and 18.⁷⁹

Human Trafficking (LOIPR para. 11)

42. In 2010, 60 percent of all human trafficking cases in Honduras involved commercial sexual exploitation, and 71 percent of victims were women.⁸⁰ Instances of trafficking remain “grossly underreported due to the hidden nature of the crime,” as well as “the prevalence of organized crime.”⁸¹ Law enforcement efforts have proven inadequate, and the government relies on civil society organizations to provide services to victims.⁸² In 2013, there were 27 registered complaints of trafficking of women for sexual exploitation.⁸³
43. In 2015, there were no convictions of human traffickers.⁸⁴ Local police have been known to provide “protection to brothel owners or [tip] them off about impending raids, and security officials were investigated for purchasing commercial sex acts from child trafficking victims.”⁸⁵ One media source reported of a child sex trafficking ring in Tegucigalpa that supposedly operated with police and high-level government protection.⁸⁶ Authorities are complicit in the crime of human trafficking, precluding any progress in its prevention and prosecution.

IV. Suggested Recommendations for the Government of Honduras

44. The Advocates endorses the recommendations made by the Special Rapporteur on Violence against Women on her country visit to Honduras in 2014. In addition, The Advocates makes the following recommendations:
- Take action to end impunity for femicide, domestic violence, and sexual violence by strengthening the criminal justice response to gender-based violence, particularly through measures that support its capacity to investigate, prosecute, and punish all forms of such crime and provide reparation and/or compensation to victims and their families.

⁷⁸ *Supra* note 71.

⁷⁹ *Supra* note 50.

⁸⁰ 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/>

⁸¹ U.N. Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Mission to Honduras* (hereinafter referred to as “Special Rapporteur Report”), (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>.

⁸² U.S. Department of State, *Trafficking in Persons Report*, (July 2015), available at: <http://www.state.gov/documents/organization/245365.pdf>

⁸³ *Supra* note 79.

⁸⁴ *Supra* note 80.

⁸⁵ *Ibid.*, 178.

⁸⁶ *Supra* note 80.

- Establish a comprehensive program to protect women in Honduras from violence that includes coordinated community response, public education, and aggressive prosecutions.
- Provide specialized professionals at police stations and courts and provide training on gender-based violence and gender sensitivity for law enforcement, investigators, prosecutors, judges, and educators.
- 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, as well as the need to prevent further acts of violence.
- Establish 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 to benefit women who are victims of violence and their children.
- Ensure gender-equitable representation in the police force and other agencies of the justice system, particularly at the decision-making and managerial levels.
- Create reliable and transparent systems for collecting data related to all forms of violence against women, as well as the causes and consequences.
- Reform the Ley de Control de Armas de Fuego, Municiones, Explosivos y otros Similares and 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.
- Take steps toward enacting legislation that:
 - mandates that police, prosecutors, and the judiciary investigate the level of risk to domestic violence victims when determining bail and other situations;
 - allows victims of gender-based violence to bring civil lawsuits against family member perpetrators, regardless of whether criminal charges are also brought;
 - 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;
 - allows survivors to bring civil lawsuits against individuals and State entities that fail to prevent, investigate, or punish acts of gender-based violence;
 - provides shelters for victims of gender-based violence with sufficient and regular funding to realistically carry out their work.