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促进和保护所有人权——公民权利、政治权利、  
经济、社会和文化权利，包括发展权

## 对洪都拉斯的访问

### 法律和实践中的歧视妇女问题工作组的报告\*、\*\*

#### 概要

法律和实践中的歧视妇女问题工作组于2018年11月1日至14日对洪都拉斯进行了一次访问。在本报告中，工作组评估洪都拉斯妇女的人权状况，指出取得的成绩和存在的挑战。报告对提倡性别平等的法律、体制和政策框架，妇女在家庭、经济、社会、政治和公共生活中的参与以及在这些方面对妇女的赋权等情况进行审查，同时特别关注遭受交叉形式的歧视的妇女。工作组还就在消除歧视和促进平等方面取得进一步进展提出一些建议。

\* 本报告概要以所有正式语文分发。报告本身载于概要附件，仅以提交语文和西班牙文分发。

\*\* 因提交方无法控制的情况，经协议，本报告迟于标准发布日期发布。



## Annex

### **Report of the Working Group on the issue of discrimination against women in law and in practice on its visit to Honduras**

#### **I. Introduction**

##### **A. Visit**

1. The Working Group on the issue of discrimination against women in law and in practice visited Honduras from 1 to 14 November 2018 at the invitation of the Government. The delegation of experts from the Working Group met with various concerned stakeholders in Tegucigalpa, La Esperanza, San Pedro Sula, El Progreso and La Ceiba. They wish to thank the authorities, in particular the National Institute for Women, for their remarkable level of cooperation and support in the organization of the visit. They are grateful to all their interlocutors – public officials, health professionals, representatives of civil society and academia, the United Nations country team and representatives of the private sector – for all the fruitful exchanges. They are particularly grateful to the women human rights defenders, many of whom travelled long hours to meet with them.

2. In the capital, the experts met with the First Lady, representatives of the Ministry of General Government Coordination, the Ministry of Foreign Affairs, the Ministry of Human Rights, the National Institute for Women, the Ministry of Governance, Justice and Decentralization, the Ministry of Security, the Ministry of Development and Social Inclusion, the Ministry of Education, the Ministry of Health, the Ministry of Labour and Social Security, the Ministry of Economic Development, the Monitoring Centre on Violence, the National Statistics Institute and the Ministry of Infrastructure and Public Services. The experts also met with the President of the Supreme Court, the Attorney General's Office, the Office of the National Commissioner for Human Rights, the Inter-Agency Commission to Monitor Investigations into Violent Deaths of Women and Femicide, the national mechanism for the protection of human rights defenders, and representatives of Congress. In San Pedro Sula and La Ceiba, the experts met with the governors, mayors, representatives of the municipal offices for women and of local human rights institutions, local justice officials, public defenders and the police.

3. The experts visited the women's prison, the Ciudad Mujer initiative and a school in Tegucigalpa, and a shelter for women victims of violence and a hospital in San Pedro Sula. They met with numerous women's organizations and women human rights defenders. The experts also met with the Honduran Private Enterprise Council.

##### **B. Context**

4. With a population of 9,023,838 people,<sup>1</sup> Honduras is considered to have a medium level of development, ranking 133 of 189 States in terms of the human development index.<sup>2</sup> Although poverty has been reduced since 2013 and currently stands at 59.6 per cent,<sup>3</sup> the country has the highest level of economic inequality in the continent. It continues to

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<sup>1</sup> National Statistics Institute, "Encuesta Permanente de Hogares de Propósitos Múltiples 2018: resumen ejecutivo", June 2018. Available at [www.ine.gob.hn/images/Productos%20ine/encuesta%20de%20hogares/EPHPM%202018/02%20EPHPM%20Resumen%20Ejecutivo%202018.pdf](http://www.ine.gob.hn/images/Productos%20ine/encuesta%20de%20hogares/EPHPM%202018/02%20EPHPM%20Resumen%20Ejecutivo%202018.pdf).

<sup>2</sup> United Nations Development Programme (UNDP), *Human Development Indices and Indicators: 2018 Statistical Update* (New York, 2018).

<sup>3</sup> See [www.mppn.org/es/paises\\_participantes/honduras](http://www.mppn.org/es/paises_participantes/honduras).

struggle with crime and violence and has one of the highest rates of murders in the world,<sup>4</sup> including an alarming rate of femicide. Furthermore, Honduras suffers from acute environmental vulnerability, and is prone to hurricanes, floods and droughts, worsened by the State's inadequate responses to climate change. Since the coup in 2009, the country has been facing a governance crisis with fragile institutions. Widespread structural impunity, corruption and the militarization of national security also affect prospects for ensuring fully fledged democratic governance and sustainable development. Moreover, some aspects of development policies, which include the granting of concessions to extractive industries and energy companies, pose a serious risk to the livelihood and culture of indigenous, Garifuna and rural populations and a threat to the environment. Increased privatization of public services has also amplified the vulnerability of the most disadvantaged groups of the population, such as women living in poverty.

5. The country is still marked by the 2017 post-electoral polarization and social distrust. The Working Group carried out this visit at a moment of severe migration crisis,<sup>5</sup> in which, according to information received from the Government, more than 7,000 people (among them approximately 1,500 women and girls) had left the country, fleeing widespread violence, poverty and a lack of economic opportunities. The Working Group hopes that the Government will take measures to support and protect returnees and to address the root causes of migration. It also hopes that government security policies shift the focus from militarization to human security.

## **II. Legal, institutional and policy framework for women's equality and human rights**

6. The Working Group notes the significant efforts by Honduras to strengthen its legal, institutional and policy framework for the promotion and protection of women's human rights and also notes remaining gaps where further steps could be taken.

### **A. Legal framework**

#### **1. Ratification of international instruments and cooperation with human rights mechanisms**

7. The Working Group welcomes the ratification by the State of all core human rights instruments and its strong commitment to cooperate with United Nations human rights mechanisms, as shown by its engagement with the treaty bodies and the universal periodic review and its standing invitation to the special procedures of the Human Rights Council. Honduras ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1983, with no reservations. However, the Working Group regrets that the Government has so far failed to ratify the Optional Protocol to that Convention. The Working Group also regrets that the Government has not ratified relevant conventions of the International Labour Organization (ILO), including the Domestic Workers Convention, 2011 (No. 189).

#### **2. Main achievements in promoting women's rights and gender equality in the law**

8. The Working Group commends the efforts by Honduras to strengthen its legal framework for the promotion and protection of women's human rights and gender equality. The prohibition of discrimination including on the basis of sex is enshrined in the Honduran Constitution, article 60 of which states that all Hondurans are equal before the law, and that

<sup>4</sup> See [www.worldbank.org/en/country/honduras/overview](http://www.worldbank.org/en/country/honduras/overview).

<sup>5</sup> In a preliminary report detailing its prevention and protection action in this migration crisis (starting on 12 October), the Office of the National Commissioner for Human Rights stressed that the root causes of this forced migration were poverty, unemployment, inflation, increased costs of public services and their lack of quality and accessibility, as well as insecurity stemming from violence, in particular from gangs and organized crime.

any discrimination based on sex, race, class and any other reason that is harmful to human dignity is punishable. In the past decades, a number of laws relevant to women's rights and gender equality were adopted, including the Equal Opportunities for Women Act (2000), the Domestic Violence Act (2006), Decree No. 54-2012 amending the Elections and Political Organizations Act and establishing quotas to increase the political participation of women (2012), Decree No. 23-2013 criminalizing femicide (2013), the Responsible Parenting Act (2013), the Act for the Protection of Earnings and Regularization of Informal Employment (2013), Decree No. 27-2015 on equal pay (2015) and the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials (2015).

9. During the visit, the experts were informed that several relevant draft laws were scheduled in Congress, such as bills regulating domestic work, agrarian reform, violence against women in politics, transgender peoples' rights and shelter houses for victims of violence and a comprehensive law on violence against women. The Working Group hopes that any shortcomings in these bills will be remedied (see relevant sections below) and that they will be passed without undue delay.

### **3. Challenges**

10. However, according to the information received during the visit, this solid legal framework is not systematically implemented in practice and there is a need for better coordination between the relevant actors for it to be effective. Furthermore, there is still room for the improvement of laws and policies, such as on the political participation of women and domestic work (as detailed in para. 29 and 42 respectively). As for the legal framework on gender-based violence, the numerous provisions applicable might create some lack of clarity (see paras. 56). The very restrictive legislation on sexual and reproductive rights represents a major gap in the State's fulfilment of its international obligations (see paras. 50–51).

## **B. Institutional and policy framework**

11. The Working Group welcomes the adoption of numerous policies aimed at promoting women's rights and gender equality, such as the second plan for gender equality and equity (2010–2022), the national plan against violence towards women (2014–2022) and the policy and national action plan against commercial sexual exploitation and trafficking in persons (2016–2022).

12. The Working Group welcomes the considerable efforts deployed by the National Institute for Women, which is responsible for promoting and coordinating the implementation of policies on gender equality and the integration of women into sustainable development efforts. It regrets that the Institute was downgraded from a ministry to a directorate under the Social Inclusion Office. The State has to reinforce the national machinery promoting and protecting women's rights and allocate the necessary financial and human resources to ensure the effective implementation of gender equality policies, in line with its international obligations. It is essential that the Institute's role in promoting and coordinating gender equality policies be reinforced and that its mandate be strengthened vis-à-vis other entities of the executive.

13. The Working Group notes with appreciation the Ciudad Mujer initiative, launched in 2016. The initiative, led by the National Institute for Women, provides for a network of services offered by 16 relevant agencies in relation to protection from violence, economic empowerment, sexual and reproductive health and community education focused on human rights. These comprehensive services are provided free of charge to any woman who needs them, and childcare is provided while women use services that they need. However, the initiative is not used as much as expected by women survivors of violence, one of its limitations being that it does not operate around the clock. The experts hope that this

initiative, which they consider a promising practice, will be implemented throughout Honduras and be given sufficient resources.<sup>6</sup>

14. The experts are pleased that in 2017 the Ministry of Human Rights was created as an autonomous institution, which undertakes significant efforts to secure the mainstreaming of human rights standards. The ministry is coordinating the Inter-Agency Commission to Monitor Investigations into Violent Deaths of Women and Femicide, established in August 2018, as well as the protection mechanism for human rights defenders and the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons. This ministry and its mechanisms also need to be strengthened to ensure the enforcement of human rights and gender equality in the country.

15. The experts welcome the creation of gender units in the central Government and hope that they will be soon operational in all ministries, that they are given the appropriate budget and that they focus on the needs of all women. The experts also welcome the establishment of municipal offices for women. However, the experts were informed during the visit that not all the municipal offices had received their budget from the central Government. In addition, a number of women have raised concerns that the offices are staffed and funded according to party loyalties rather than according to the professional expertise and merits of the programmes.

16. The experts also appreciate the work done by the Office of the National Commissioner for Human Rights, which has regional offices in all departments of Honduras. They hope that in the near future the Office will be able to comply with the requirements of the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular with regard to its financial resources, cooperation with other entities, pluralism and independence, and regain its A status.

### C. Administration and access to justice

17. The Working Group acknowledges that the Government has adopted multiple initiatives to improve access to justice and accountability for discrimination and violence against women. These improvements include upgrading the Ministry of Human Rights; establishing 10 Special Prosecutors' Offices, including one for human rights; doubling the number of prosecutors and the budget of the Attorney General's Office; establishing a vetting process to identify corrupt police officers; and opening new courts in rural areas. There are also plans under way to establish a new competitive process for the selection of judges and to adopt a plan aimed at reducing delays in judicial proceedings. The experts stress the importance of these plans incorporating a gender focus.

18. Moreover, efforts were made to modernize the administration of justice, including the installation of a gender unit within the Supreme Court, training and awareness-raising for court personnel on gender and reforms to criminal and civil procedures. However, significant gaps persist, such as in relation to the pursuit of a judicial career and the adoption of legislation on the Council of the Judiciary and Judicial Service. Moreover, a more targeted focus on improving women's access to justice needs to be included.

19. The experts note persistent failings concerning women's access to justice, which is essential for the realization of all their rights and is a fundamental element of the rule of law and good governance, together with the independence, impartiality, integrity and credibility of the judiciary, the fight against impunity and corruption, and the equal participation of women in the judiciary and other law implementation mechanisms. Many of the components of the right to access to justice<sup>7</sup> are not guaranteed to most women in Honduras.

<sup>6</sup> More resources (human, financial and material) are needed, in particular from the Ministry of Health. Health services are the most sought after under the initiative.

<sup>7</sup> See Committee on the Elimination of Discrimination against Women, general recommendation 33 (2015) on women's access to justice.

20. The experts also note that the justice system, including the courts and other institutions, does not offer realistic solutions to overcome the barriers that women face in accessing justice. These obstacles occur in a context of structural discrimination and inequality, due to factors such as gender stereotyping, discriminatory laws, intersecting discrimination, procedural and evidentiary requirements and practices, and a failure to systematically ensure that judicial mechanisms are physically, economically, socially and culturally accessible to all women. Furthermore, obtaining effective legal solutions requires costly legal representation, which most women in Honduras cannot afford. Although some civil society organizations and legal clinics at the public universities offer free legal assistance, they cannot cover the legal needs of most women.

21. According to the testimonies and information received, factors such as socioeconomic status, residence in rural areas, ethnicity and age strongly influence women's real possibilities of accessing effective legal remedies. During the visit, the experts received multiple testimonies regarding the lack of access to justice by women facing intersecting forms of discrimination, all of whom decried the impunity that existed (see para. 32) for the high rate of femicide and other forms of gender-based violence and their profound lack of trust in the legal system, which was also acknowledged by some government and police officials. Machismo, misogyny and gender stereotypes, coupled with the poverty or lack of financial independence of most women, increase the risks to which women are exposed and prevent them from fully exercising their right to access justice. More efforts should be made to secure effective access to justice for women.

### **III. Participation of women in family and cultural life, political and public life and economic and social life, and access to health**

22. Despite efforts by the State and feminist activists in the country to promote women's empowerment and gender equality, discrimination against women persists in all spheres of their lives. This systemic and structural discrimination, nurtured by patriarchy and discriminatory gender roles, affects all women in Honduras, but women living in poverty, indigenous, Garífuna and Afro-Honduran women, lesbian, bisexual, transgender, queer and intersex women and women with disabilities, inter alia, are particularly disadvantaged.

#### **A. Family and cultural life**

23. Patriarchal patterns of behaviour, attitudes, expectations, beliefs and practices discriminating against and denigrating girls and women remain widespread. It was emphasized by many interlocutors during the visit, including government officials, that there is a culture of machismo in Honduras. Patriarchal attitudes in the country perpetuate inequality, as well as domestic violence and other forms of violence committed outside the home, and limit women's participation in civil, political, economic and social life and a more egalitarian family environment.

24. Honduras legally recognizes only heterosexual marriage, sexual minorities' rights to enjoy family and private life being severely limited. Moreover, deep-rooted social norms impose on men the role of family breadwinners (although there are more and more women heads of households; see para. 38), while women are expected to do the housework, raise the children and look after other dependants. Women in Honduras spend about 30.2 hours per week in unpaid work, while men spend only 7.8 hours (see para. 40).<sup>8</sup> The experts noted during the visit that even some government programmes sometimes perpetuated gender stereotypes or focused primarily on women's role in the family. Laws and policies must be developed to reduce and redistribute women's unpaid care work and provide equal opportunities for women to develop personally and professionally. In this respect, the

<sup>8</sup> Gender Equality Observatory for Latin America and the Caribbean, "Honduras: country profile". Available at <https://oig.cepal.org/en/countries/15/profile>.

experts commend the recruitment of women in construction and public work undertaken by the Gender Unit in the Ministry of Infrastructure and Public Services. The experts encourage more initiatives to provide jobs for women and challenge stereotypes. More efforts are needed to address men's discriminatory attitudes and behaviours and positively transform masculinity. Furthermore, different family forms should be legally recognized.

25. In addition to the entrenched patriarchal culture, family life and women's reproductive health are highly conditioned by a conservative society, influenced by the Church. The experts learned from various interlocutors that both Catholic and evangelical churches have significant influence over political decision-making bodies and public opinion, including in the discussion of the decriminalization of abortion in three circumstances and lifting the prohibition on emergency contraception. These policies should be premised on human rights standards and not on any particular religious doctrine. The Working Group joins other international human rights expert mechanisms in reiterating that freedom of religion or belief should never be used to justify discrimination against women (see A/HRC/38/46).

26. The media also play a key role in perpetuating harmful gender stereotypes, reinforcing gender inequality. Television channels and advertising in general continue to reinforce sexist gender stereotypes, as was pointed to by many interlocutors. Sensational cases tend to receive excessive media coverage at the expense of positive portrayal of women, and women (including victims of violence) are often depicted in a disrespectful manner, which may further fuel violence against them. The media must take on their role in promoting gender equality.

## **B. Political and public life**

27. The Working Group welcomes the improvement in the number of women in public offices, such as the increase in the percentage of women in the police force (from 3 to 19 per cent) and judiciary (54 per cent of all judges are women), and was pleased to meet with women in high-level positions, including the Minister of Human Rights and the Director of the National Institute for Women. However, women, particularly those experiencing intersecting forms of discrimination, remain significantly underrepresented in all areas of political and public life. The low level of participation of women in public life is reflected at all decision-making levels: national, regional and community.

28. Women constitute 21.1 per cent of Congress, marking a decrease from the previous elections (25.7 per cent).<sup>9</sup> Women constitute only 12 per cent of the Board of Directors of the National Congress (2 out of 17 members) and some of the Congress's commissions have no women members (such as the Budget Commission). In 2017, women made up 21.7 per cent of ministers, 7.4 per cent of mayors and 30.7 per cent of city councillors.<sup>10</sup> To date, there has never been an indigenous or Afro-Honduran minister. In the Supreme Court, 5 of the 15 judges are women.

29. In political parties, the highest positions are generally held by men. In 2012, Decree No. 54-2012 raised the quota for the inclusion of women candidates to 40 per cent for positions of authority and within parties, as well as candidates to popularly elected positions. It established that the principle of parity (50 per cent women) would be applied beginning with the 2015 electoral period. Moreover, a parity pact signed by Honduran political parties indicates that ballots should alternate in displaying the names of women and men candidates. However, the experts regretted to learn that recently adopted regulations, which stipulated that the names had to alternate further down the list of candidates only, had actually contributed to decreased numbers of women in office.

30. The experts were also informed of additional barriers to the participation of women in political life, such as the fact that women candidates for office were often discouraged from putting themselves forward by communities and partners, and that they had become

<sup>9</sup> See <http://archive.ipu.org/wmn-e/classif.htm>.

<sup>10</sup> Gender Equality Observatory for Latin America and the Caribbean, "Honduras: country profile".

targets of political violence. Moreover, women politicians generally have less financial resources to fund campaigns. The Working Group calls on the Government to take further measures to support women's participation and address violence in politics.

*Women human rights defenders*

31. Although Honduras has made efforts to establish a mechanism for the protection of human rights defenders, there still seems to be little understanding of the specificities and needs of women human rights defenders and the hurdles that they face. All the women human rights defenders met during the visit – who were working in areas of violence against women, including trafficking, discrimination, gender equality and sexuality education, reproductive rights, environmental and land rights, labour rights, rights of lesbian, bisexual, transgender, queer and intersex women and the rights of women engaged in sex work/prostitution – stated that they were not able to operate in a safe and enabling environment. They told the experts that they faced numerous attacks and threats, as well as the criminalization of their activities and lack of access to justice.

32. Several interlocutors, including family members, expressed great dissatisfaction with the trial for the murder of Berta Cáceres, a Lenca feminist leader. The experts were informed that the family had been denied access to reports and evidence during the investigation phase, which had lasted more than two years and was marred by numerous irregularities, and that the lawyers representing the family had been excluded from the trial without a legitimate reason. The Working Group welcomes the ruling by the trial court in Tegucigalpa in November 2018, which resulted in the conviction of seven men, but remains concerned that those masterminding and funding the crime have still not been sanctioned. Any irregularities reflect poorly on the judiciary as a whole, which is already mistrusted for its lack of accountability.

33. The mistrust in the judiciary is further fuelled by the practice of criminalizing human rights defenders. Not only does this have a disproportionate effect on women human rights defenders, who often do not have enough resources to pay for legal defence or travel to judicial or police stations, but it further erodes women's already fragile trust in the judiciary or police. During the visit, representatives of women's organizations from La Paz, La Esperanza, El Progreso, Bajo Aguán, San Pedro Sula, Tegucigalpa, Tela, La Ceiba and Santa Bárbara informed the experts about arrests, prosecutions and legal proceedings initiated against women human rights defenders as a means of intimidating them and hindering their work.

34. Stigmatization of women human rights defenders by officials, and also by their own organizations, families, communities and the media, not only disempowers them but also exposes them to heightened risks. They face smear campaigns aimed at discrediting their work, and are often accused of being opposed to the development of Honduras, of being “unnatural” mothers and wives or even of being criminals. One defender shared her painful experience of not only being criminalized and attacked by members of her own community, but also being constantly harassed and insulted by members of her family, who accused her of being a bad mother, while she explained that she had been defending her land precisely to secure her children's future.

35. In most cases, women defending the environment and land rights face criminal charges, including coercion, trespassing and unlawful seizure, and land encroachment. The experts are concerned that the incorporation in January 2018 of the crime of illegal trespassing and appropriation of land into the list of crimes that may be committed by organized criminal groups, along with offences such as money laundering and terrorism, may generate a stigmatizing effect on women land defenders. For some, criminalization also entails prison. Even alternative measures given in response to criminal proceedings have apparently been abused as a tool of control and humiliation. For example, some defenders have been required to report regularly and for an extended period of time to the police or the courts to sign a document, which is seen by defenders as the form of judicial harassment. One woman revealed that she had been raped on her way to report to the police, which she was required to do weekly.



36. The experts also received testimonies of women human rights defenders facing legal action for defamation and slander, as well as the threat thereof. Others have reported that their organizations are subjected to unreasonable tax supervision and registration requirements. The experts were also informed that women who were more vocal, or worked on contested issues such as the rights of sexual minorities or sexual and reproductive rights, were at risk of harsher treatment, including excessive use of force and even murder. Often, women human rights defenders do not have sufficient protection. Some women said that they had to pay for the food and transportation costs for the security officers, and other pointed to the issue of the protection system focusing on the main person at risk only, sometimes leaving family members at risk. While the experts learned from the representatives of the protection mechanism that they were committed to ensuring a gender perspective, more should be done to ensure that there truly is such a gender focus.<sup>11</sup>

### C. Economic and social life

37. The Working Group notes that the State has been making efforts to enhance women's economic empowerment and social inclusion, such as through the creation of the "Better Life" programme and the adoption of the Act on the National Solidarity Loan Programme for Rural Women. The experts welcome the recent accession by Honduras to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, having observed first-hand how poverty and inequality affect the everyday lives of women around the country. While 34.5 per cent of households depend on the woman's income,<sup>12</sup> women's participation in economic life remains very low. The rate of participation by women in the paid labour force is 50.9 per cent, compared to 85.8 per cent by men.<sup>13</sup> Some 75.5 per cent of women work in the informal sector, which often implies a considerably precarious situation and no protection. The unemployment rate among women is 10.7 per cent, against 5.1 per cent among men.<sup>14</sup>

38. The feminization of poverty is of great concern to the Working Group: 44.4 per cent of households headed by women live in extreme poverty (against 41.9 per cent of those headed by men).<sup>15</sup> Subemployment, unemployment and lack of access to land, credit and technology represent critical challenges for women, also preventing them from responding to their family needs. The organizations of peasant farmer women have documented that only 8 per cent of rural women possess land titles. Women's organizations have attributed the lack of women's access to credit, including agricultural financing, to high interest rates, the high deposits required, cumbersome procedures and discriminatory practices.

39. Limited access to land and credit severely restricts women's economic prospects and autonomy. According to information received, women wishing to set up their own businesses are often precluded from doing so because of the need for capital, or because they are unable to meet the regulatory requirements (some women do not even have bank accounts). The patchwork of economic and community development programmes available has apparently variable outcomes. Some programmes are dismissed by women as politicized and thus not effective in improving the situation of women living in poverty; others appear to be inaccessible, even to the communities at which they are targeted.

40. The experts also received information about the problem of unpaid care work in Honduras, which represents a considerable additional burden, in particular for those who face heavy workdays. This situation is normalized by a lack of gender-sensitive education and is reinforced in the family, in social life and at work. It is crucial to adopt a process of education that is focused on a gender perspective. Alliances between women and men

<sup>11</sup> See also A/HRC/40/60/Add.2.

<sup>12</sup> Honduras, "Programa presidencial Ciudad Mujer Honduras", report, 2018.

<sup>13</sup> UNDP, "Human development indices and indicators: 2018 Statistical Update – briefing note for countries on the 2018 Statistical Update: Honduras", July 2018. Available at [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/HND.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/HND.pdf).

<sup>14</sup> Honduran Private Enterprise Council, "Mujeres en la gestión empresarial en Honduras", report, April 2018.

<sup>15</sup> Polétikah, "Feminización de la pobreza".

should be created to generate positive changes. Laws and policies should be developed that recognize, reduce and redistribute women's unpaid care work and provide adequate social protection, including childcare facilities.

41. The experts noted that in the *maquila* sector, concerning the delocalized manufacturing of garments, and where labour rights violations have been widely reported,<sup>16</sup> workers are predominantly women: they are therefore predominantly affected by the work hazards of the sector, including repetitive physical tasks that, when carried out over an extended length of time, lead to physical strain and injury. The experts were informed that the pressure under which workers were asked to perform caused mental distress and that the regular granting of temporary contracts for that type of work prevented them from enjoying the same legal protections and social benefits as other workers. At the same time, rural women's travel to urban areas in order to perform this work can cut them off from extended family networks and other forms of social support. In addition, in a country where violence against women is an ever-present reality, travel to and from work before and after a long shift places *maquila* workers' personal security at risk. The experts also received allegations that the salaries in *maquilas* were below the minimum national salary, that employees often suffered from harassment, exploitation, psychological pressure based on high production objectives, longer working hours, few resting times, little time to eat and no access to drinking water. The weak unions, the lack of knowledge about laws and labour rights (such as the laws on collective contracts and on social insurance and the Labour Code) do not help the situation.

42. The experts are also concerned about the rights of domestic workers, who reportedly receive low pay for long hours of work and often face bad working and living conditions. The nature of domestic work, which is carried out in private rather than in public spaces, renders domestic workers vulnerable to abuse and exploitation. In this respect, the experts take note of a pending domestic workers' bill, which seeks to provide greater protection to domestic workers. However, they are concerned that this draft law falls short in some respects, as it fails, inter alia, to expressly stipulate a minimum wage and require mandatory social protection. The experts hope that the law that is adopted will be in compliance with international standards, such as with respect to a minimum wage, access to the State social security system,<sup>17</sup> decent working hours, resting time and paid leave.

43. According to the Honduran Private Enterprise Council, despite some progress made, the rate of women in business leadership positions remains very low:<sup>18</sup> only 27 per cent of presidents of executive boards are women. A recent study by the Honduran Private Enterprise Council concluded that there was still a long way to go before attaining inclusive and gender-sensitive management of businesses, stressing that the corporate culture was still very male-dominated. Domestic care work seems to be one of the major barriers for women's empowerment and promotion to the highest levels of leadership. Honduras has the lowest rate of public childcare provision in Latin America.<sup>19</sup>

#### *Education*

44. While the rates of progress and completion of education among girls are slightly higher than those among boys,<sup>20</sup> girls face significant obstacles in accessing quality

<sup>16</sup> See, for example, A/HRC/29/27/Add.1 and Inter-American Commission on Human Rights, *Situation of Human Rights in Honduras* (Washington, D.C., 2015); see also concluding observations of the Human Rights Committee (CCPR/C/HND/CO/2) and the Committee on Economic, Social and Cultural Rights (E/C.12/HND/CO/2).

<sup>17</sup> The previous Government issued a decree granting access for domestic workers to the services of the Honduran Social Security Institute, but on an optional basis only, depending on the will of the employer.

<sup>18</sup> Honduran Private Enterprise Council, "Mujeres en la gestión empresarial en Honduras".

<sup>19</sup> *The State of World Population 2017: Worlds Apart – Reproductive Health and Rights in an Age of Inequality* (United Nations publication, Sales No. E.17.III.H.1).

<sup>20</sup> United Nations Educational, Scientific and Cultural Organization, "Honduras", Data for the Sustainable Development Goals database. Available at <http://uis.unesco.org/country/HN> (accessed on 7 January 2019).

education. Due to education-related costs, which apparently vary, access to education is restricted in a country where most of the population lives in poverty. Illiteracy remains a problem, at 18.7 per cent of women in rural areas and 7.6 per cent in urban areas.<sup>21</sup> The education sector has been increasingly privatized, and the closure or inaccessibility of public educational institutions limits access to education for rural women and women living in poverty. According to information received, the quality of education provided in public schools is also unsatisfactory.

45. The Equal Opportunities for Women Act sets solid ground for gender-sensitive education, but according to the information received, the reality is quite different. While there are certain civic education programmes, the teachers themselves acknowledged that there should be more comprehensive programmes on gender equality in schools. Other interlocutors also expressed the view that awareness-raising about gender equality should start in schools. The experts concur with this view: the topics of gender equality, stereotypes and violence against women should be integrated in core curricula, and a safe and respectful educational environment should be ensured for girls in schools free from military or religious influence.

46. In view of the very high rates of adolescent pregnancy, the Government should ensure that comprehensive and science-based sexuality education is systematically provided in schools. Adolescent pregnancy remains a major factor leading to maternal and child mortality, and to intergenerational cycles of ill health and poverty. Adolescent pregnancy can also have a negative social and economic impact on girls, their families and communities, limiting girls' access to education and employment opportunities.<sup>22</sup> The experts were informed that pregnant girls often cannot pursue their education; the Government should deploy all possible efforts to secure school enrolment of pregnant girls and ensure they have support after giving birth. The experts also express concerns about the security of girls on their way to school. Many parents reportedly hesitate to send their daughters to school for fear of violence, including sexual violence, particularly around mining areas.

## **D. Health**

### **1. General access to health care**

47. Despite the National Health Plan (2014–2018), which is aimed at improving access to health-care services, the coverage of public health remains weak. According to the Office of the National Commissioner for Human Rights,<sup>23</sup> hospitals do not have the capacity to attend to the large number of patients or provide for the necessary services, including medicines. The privatization of health services has reduced access to health care for many women. According to the latest National Population and Health Survey, only 10 per cent of Honduran women are affiliated to the Honduran Social Security Institute, which provides health insurance. The most common causes of death in women are breast and uterine cancer,<sup>24</sup> but there are no free prevention programmes.

48. The experts welcome the establishment of a government commission to examine gaps in the health-care system, which disproportionately affect women. Access to health care varies for women around the country, with women living in poverty and rural women having less access than others. The experts were informed that in rural areas, hospitals were too far away, of poor quality or lacking medication. Further, lesbian, bisexual, transgender, queer and intersex women, women engaged in sex work/prostitution and women living with HIV have reportedly less access to quality health care due to stigmatization and discriminatory attitudes. Women have reported severe cases of discrimination against women living with HIV, including forced sterilization. The experts were also informed that

<sup>21</sup> Centro de Estudios de la Mujer–Honduras, “Agenda política de las mujeres y feministas”, November 2017.

<sup>22</sup> World Health Organization (WHO), “Adolescent pregnancy”, 23 February 2018.

<sup>23</sup> Preliminary report on the health sector submitted to the Working Group.

<sup>24</sup> Honduras, “Programa presidencial Ciudad Mujer”.

such violations also applied to women with intellectual and psychosocial disabilities, whose health needs are generally not sufficiently addressed. There are no targeted health programmes for women engaged in sex work/prostitution.

## 2. Sexual and reproductive health

49. The experts acknowledge the State's intention to reduce maternal mortality in Honduras – which is still very high, at 129 deaths of women per 100,000 live births<sup>25</sup> – as reflected in a public health campaign that seeks to encourage pregnant women to give birth in hospitals. However, they have received numerous reports that women are being forced to give birth in hospitals and that the failure to do so results in fines. The experts were also informed that midwives who assisted in delivering babies in the community were threatened with fines or incarceration. The experts consider this practice problematic as it does not respect women's autonomy. In addition, it does not take into account other structural factors that prevent women from visiting the hospital, including transportation costs that are often prohibitive for women living in poverty and rural women. In the light of this, the experts encourage the Government to consider ways to work together with midwives and women in communities in order to develop a common, culturally sensitive approach to the reduction of maternal mortality.

50. Fertility rates in Honduras vary from 2.5 children in urban areas to 3.5 in rural areas (4.1 children for women without a university degree and 1.7 for those with a university degree). Many interlocutors pointed to the lack of accessibility of contraception, particularly in rural areas, which, together with the prohibition of emergency contraception, contributes to a high rate of unwanted pregnancy, including adolescent pregnancy.<sup>26</sup> According to the United Nations Population Fund (UNFPA), Honduras has the second highest rate of adolescent pregnancy among countries in Latin America. One out of four girls has been pregnant at least once before reaching the age of 19 years, and 18 per cent of adolescents' needs in contraception are not met. In rural areas, the rate of adolescent pregnancy reaches 30 per cent.<sup>27</sup> The experts were informed that many early pregnancies were the result of the crimes of rape and incest. The experts regret that proposed protocols and amendments to the law, which would have enabled exceptions to the absolute bans on abortion and emergency contraception and which could take into account the needs of victims of sexual violence, including child victims, have not been put in place.

51. The Working Group echoes the concerns of the Committee on the Elimination of Discrimination against Women (CEDAW/C/HND/CO/7-8), the Inter-American Commission on Human Rights,<sup>28</sup> and special procedures mandate holders that women's sexual and reproductive rights are seriously restricted in the country. Honduras is one of the very few States in the world that prohibit abortion in all circumstances, including in cases of rape or incest, where the life and/or health of pregnant women is at risk and in cases of severe fetal impairment. The use, sale, distribution and purchase of emergency contraception is also prohibited and carries the same penalties as abortion itself. As shown by data from the World Health Organization (WHO), restrictive laws on abortion increase maternal mortality and morbidity rates due to unsafe abortions, and are not efficient in reducing the rate of abortion.<sup>29</sup> The Working Group has called for women to be allowed to terminate the pregnancy on request during the first trimester.<sup>30</sup> According to information

<sup>25</sup> WHO, "Maternal mortality in 1990–2015: Honduras", 2015.

<sup>26</sup> The adolescent birth rate is 70.8 births per 1,000 women aged 15 to 19 years (UNDP, "Human development indices and indicators: 2018 Statistical Update – briefing note for countries on the 2018 Statistical Update: Honduras").

<sup>27</sup> UNFPA, "Transformando retos en oportunidades", 20 April 2016.

<sup>28</sup> Organization of American States, "CIDH concluye su visita a Honduras y presenta sus observaciones preliminares", 3 August 2018.

<sup>29</sup> WHO, *Safe Abortion: Technical and Policy Guidance for Health Systems*, 2nd ed. (Geneva, 2012).

<sup>30</sup> Working Group on the issue of discrimination against women in law and in practice, "Women's autonomy, equality and reproductive health in international human rights: between recognition, backlash and regressive trends", Office of the United Nations High Commissioner for Human Rights, October 2017.

provided by the Ministry of Health, in 2017 approximately 15,000 women were hospitalized with a diagnosis of abortion. However, some women's organizations have documented a much higher number: since only one in six women seek medical attention, the number of unsafe abortions could be between 51,000 and 82,000 per year.<sup>31</sup>

52. Further, the criminalization of abortion and the obligation of medical professionals to report cases of women whose injuries appear related to unsafe abortions have led to women being incarcerated. These denunciations by medical professionals may dissuade women suffering from a miscarriage or complications from abortion to seek the necessary medical attention, thereby putting their lives in danger. The Working Group regrets that recent efforts to amend the Criminal Code with a view to decriminalizing abortion have failed, and recalls that criminalizing women for abortion is against international human rights standards. The Working Group reiterates that criminalizing the termination of pregnancy is one of the most damaging ways of instrumentalizing and politicizing women's bodies and lives, subjecting them to risks to their lives or health and depriving them of autonomy in decision-making. The Working Group also regrets the detrimental influence of religious lobbies on matters of public health and that there is no political will to review the national legislation on abortion and emergency contraception to bring it into line with international standards (see A/HRC/32/44).

## **IV. Gender-based violence against women and women experiencing intersecting forms of discrimination**

### **A. Gender-based violence against women**

53. During the visit, the experts were informed that violence against women is rampant in the country, fuelled by inequality, insecurity and impunity, and the lack of socioeconomic opportunities. A permissive regulation on the possession of firearms also contribute to the problem: in 2017, 62 per cent of femicides were committed with the use of firearms.<sup>32</sup> The forms of violence include exploitation, psychological, physical and sexual violence, trafficking and femicide, as well as legally unregulated cyberviolence (e.g., cyberharassment and publication of intimate images without consent, including of public and political personalities). The perpetrators include partners and family and community members, as well as other private actors and State agents. Certain groups of women are particularly vulnerable, such as women human rights defenders, lesbian, bisexual, transgender, queer and intersex women, women engaged in sex work/prostitution, and young girls. According to the interlocutors met, there has been a rise in the brutality of violence, as well as the number of cases of disappearance of women. Violence has been one of the root causes of migration by women.

54. Domestic and sexual violence are among the most reported crimes in the country, and the rate of femicide is very high. According to data from the Monitoring Centre on Violence, 5,347 women were murdered between 2005 and 2017.<sup>33</sup> While between 2014 and 2017 there were 1,944 registered cases of femicide, only 33 were tried in that period. The conviction rate has been very low.<sup>34</sup> Indeed, according to the interlocutors met, 95 per cent of femicides go unpunished. Moreover, the interlocutors were concerned at the fact that

<sup>31</sup> Women's Human Rights Centre, "Observatorio de derechos humanos de las mujeres", September 2015. Available from <http://derechosdelamujer.org/wp-content/uploads/2016/02/Secreto-a-voces-una-resena-sobre-el-aborto-en-Honduras.pdf>.

<sup>32</sup> National Autonomous University of Honduras, "Boletín especial sobre muerte violenta de mujeres", March 2018.

<sup>33</sup> National Autonomous University of Honduras, "Observatorio de muertes violentas de mujeres y femicidios: resultados del análisis enero–diciembre 2017", January–December 2017.

<sup>34</sup> According to the annual report of the Office of the National Commissioner for Human Rights of 2017, 19 cases of femicide were presented before the courts, out of which 4 ended with a conviction, 1 was provisionally dismissed and 7 are being tried (see <http://app.conadeh.hn/descargas/INFORME%20ANUAL%20COMPLETO%202017.pdf>).

crimes are often attributed to *maras* (gangs), even though such murders constitute a small amount of the overall number of femicides. It appears that in such cases even less investigative effort is made.

55. This impunity is symptomatic of a pattern of structural discrimination against women. While the problem of impunity was obvious to all the interlocutors met, criminal justice officials mostly considered that it was often due to victims withdrawing the complaints. Little understanding was shown of the victims' lack of trust in the system and the inadequate protection against the risks to their security that they often faced when denouncing offenders, as well the obstacles that their economic dependence on the perpetrators created in terms of pursuing legal remedies. According to international human rights standards, the State is not absolved from the obligation to investigate serious incidents of violence if the victim withdraws the complaint: investigative efforts must be focused on all relevant evidence.

56. The Working Group notes that the Government took some measures to reduce impunity for violence against women. The Domestic Violence Act, which regulates intimate partner violence against women (when acts do not constitute criminal offences) was reformed in 2006. It provides for a range of security, protection and precautionary measures, as well as procedural rights for the victim, which is to be commended. The Criminal Code criminalizes violence within the family, femicide and sexual crimes.

57. The experts are concerned that there seems to be a lack of clarity in the legislative framework on violence against women that can result in cases of a criminal nature being subject to civil jurisdiction only. The interlocutors from the relevant State agencies placed significant emphasis on the preventive function of the Domestic Violence Act, but it is questionable whether civil law, which provides for community service as a sanction, does indeed fulfil this function. The 24-hour detention periods provided as a measure under this law might be insufficient for protecting victims and preventing violence, as noted by one of the police officers met. The experts were also informed of delays during legal proceedings, which jeopardized the protection of the victims. Moreover, there seems to be a problem with respect to the implementation of protection measures. According to international human rights standards, protection orders should be available to all victims, regardless of how the act of violence is classified, and independent of any other legal proceedings.<sup>35</sup> The experts hope that all serious acts of gender-based violence are indeed treated as criminal offences, and recommend an integrated, comprehensive approach to violence against women that reflects the seriousness of the problem.

58. The experts welcome the establishment in August 2018 of the Inter-Agency Commission to Monitor Investigations into Violent Deaths of Women and Femicide, but express concern at its lack of funding, which jeopardizes its proper functioning. Some interlocutors expressed the need for better data collection, more investigators and an appropriate budget for the Office of the National Commissioner for Human Rights and the Ministry of Security. Moreover, a number of interlocutors pointed to problems with respect to the interpretation of the definition of femicide, which may reduce the number of charges brought for the crime, in particular when the crime of femicide is reclassified by the judge as murder or homicide. Concern was also expressed by non-governmental organizations about the insufficient services for children of femicide victims.

59. The experts commend the Government for establishing a specialized unit for women within the Attorney General's Office and within the police and specialized courts on domestic violence, as well as for undertaking training and campaigns on gender-based violence. However, according to the information received, these units are not properly funded or staffed, and there are only three specialized courts in the whole country. The experts were informed that in some municipalities there is a lack of prosecutors in domestic violence cases, meaning that public defenders represent both the perpetrator and the victim, as well as a shortage of judges to supervise the execution of measures. Moreover, some

<sup>35</sup> See Committee on the Elimination of Discrimination against Women, general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19.

victims complained of insufficient coordination between the relevant authorities. Concern was also expressed about changes in the rotation of judges.

60. The experts are concerned at the low number of shelters, of which there are only four in the whole country (see A/HRC/WG.6/22/HND/1), and their lack of resources as observed during the visit. One of the shelters was actually closed during the visit due to inability to pay rent. The Working Group urges the Government to finance the shelters and services for victims and provide support to women who leave the shelters, as they often have nowhere to go.

## **B. Women experiencing intersecting forms of discrimination**

61. There is lack of data on women experiencing intersecting forms of discrimination. Moreover, there is a lack of targeted policies and laws, and research on the needs of these women. During the visit, the experts met with the representatives of indigenous, Garífuna and Afro-Honduran women, peasant farmers and rural women, transgender women, women engaged in sex work/prostitution and women living with HIV. They also visited women's prison in Tegucigalpa. All these women recounted stories of discrimination, marginalization and exclusion. Lesbian, bisexual, transgender, queer and intersex women and women engaged in sex work/prostitution have been particularly vulnerable to violence, and transgender women, women engaged in sex work/prostitution and women living with HIV complained in particular of obstacles to accessing quality health services. The experts have tried to reflect these concerns throughout the report, and the focus in this section is on indigenous, Garífuna and Afro-Honduran women, rural women and incarcerated women.

### **1. Indigenous, Garífuna, Afro-Honduran and rural women**

62. Despite the constitutional guarantee to preserve native cultures, the historic exclusion of indigenous, Garífuna and Afro-Honduran people underlies the current violations of their human rights, including their precarious socioeconomic situation, privatization of their lands, militarization of their territories, repression of their leaders and violence in isolated areas. For women, this is exacerbated by gender-based discrimination in society at large and within their own communities. They have less access to decent work, land ownership, credit, housing, education and health. However, there is no data disaggregated by ethnicity,<sup>36</sup> which would provide the basis for targeted policies addressing the needs of these communities, and specifically women.

63. The main challenges that these women face are access to and control of land: they constitute only 4 per cent of beneficiaries of a 30-year agrarian reform process and 22 per cent of beneficiaries of the land title programme (A/HRC/37/3/Add.2, para. 10). They struggle with the lack of guarantee of economic and social rights, including in the context of development projects, and high rates of poverty. Rural women and women belonging to indigenous and communities of African descent have routinely recounted their frustration at the absence or inadequacy of consultations by the Government before undertaking large-scale development projects, granting concessions to international corporations or developing laws and policies that affect them, such as the bill on patenting Lenca designs. Their land, livelihoods and traditional way of life remain under acute threat by these activities, which often result in the displacement of the Garífuna and indigenous populations as well as denial of access to natural resources.

### **2. Incarcerated women**

64. In 2018, the number of incarcerated adults reached 20,583, including 1,240 women. Overall detention rates increased by 8.33 per cent, while for women the rate increased by 17.31 per cent. While pretrial detention decreased overall, it increased among the female population, from 63 to 68 per cent (A/HRC/40/3/Add.2). According to information received, there has been an increase in the number of charges brought against women for crimes that

<sup>36</sup> There are nine recognized ethnic minorities in Honduras: seven indigenous groups and two groups of African descent.

automatically include pretrial detention. The experts recall that, pursuant to resolution 1/08 of the Inter-American Commission on Human Rights relating to principles and best practices on the protection of persons deprived of liberty in the Americas, preventive deprivation of liberty must be applied only within the strictly necessary limits.

65. According to the information received during the visit, most women in the prison in Tegucigalpa come from a precarious socioeconomic background and have been incarcerated for drug-related crimes. The experts observed poor conditions of detention, such as substandard infrastructure, unsanitary conditions, insufficient rehabilitation programmes, poor medical care and serious overcrowding, including in the “home” where children are placed with their mothers. Honduran law provides that children of women prisoners have the right to be cared for by their mothers inside the prison during their first two years of life. A court resolution can extend that period for up to two additional years when it is in the child’s best interests to do so. The experts recall that international standards encourage the use of alternatives to imprisonment for crimes carrying short prison sentences and for incarcerated mothers of small children.<sup>37</sup>

66. The experts were informed during the visit that women requesting conjugal visits were subjected to various invasive procedures and medical checks, including tests for HIV and forced contraception, which often effectively prevented them from exercising that right. More stringent requirements for unmarried partners, coupled with the prohibition of same-sex marriage, has discriminatory effects on unmarried and lesbian, bisexual, transgender, queer and intersex women prisoners. Furthermore, the experts were informed of a new set of rules of procedure for visiting people in prison adopted in 2016.<sup>38</sup> Visitors need to obtain several documents and fulfil numerous requirements to obtain a permit that lasts for only a few months and then has to be renewed. These documents are costly – they can amount to 3,000 lempiras (\$124) yearly – and disproportionately affect people living in poverty.

## V. Conclusions and recommendations

### A. Conclusions

67. **The State has shown efforts to improve the situation of women in the country, and has instituted measures at the legislative, policy and institutional levels. The experts met a number of committed individuals, both in the central Government and at the local level, and were particularly impressed by the considerable contribution of the women’s rights and feminist movement in Honduras in the elaboration of public policies integrating a gender perspective. The experts were also encouraged by the Ciudad Mujer initiative, which is promising as long as further supported by all necessary resources and developed across the country.**

68. **Despite all these efforts, gender inequality persists. Women’s living conditions have not improved and poverty, violence, insecurity and social exclusion still affect them significantly. Women are underrepresented in political and economic spheres, girls face significant barriers to access to quality education (including sexuality education) and there are many obstacles to access to quality and comprehensive health care. In particular, access to sexual and reproductive health is very restrictive; abortion is prohibited in all circumstances, as is emergency contraception. Certain categories of women are in a particularly disadvantageous position, such as indigenous, Garífuna and Afro-Honduran women, lesbian, bisexual, transgender, queer and intersex women, rural women, women with disabilities and women living in poverty. Women in prison also face poor conditions and women human rights defenders are subjected to criminalization, violence, stigmatization and intimidation.**

<sup>37</sup> See the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

<sup>38</sup> National Prison Institute Agreement No. 001-2016 on regulations governing visits to establishments of the national prison system.



69. In order to address all the persisting challenges that stand in the way of the realization of women's rights, the State must accelerate its efforts. It must tackle the problem of gender inequality in a coordinated and systematic way and take comprehensive measures in all spheres of life, including the transformation of patriarchal attitudes. Particular attention should be paid to women experiencing intersecting forms of discrimination.

## **B. Recommendations**

70. In a spirit of cooperation, the Working Group has formulated the following recommendations to the State with a view to strengthening measures designed to guarantee gender equality, the empowerment of women and the promotion and protection of women's human rights.

71. With regard to the legal framework, the Working Group recommends that the State:

(a) Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(b) Ratify the relevant ILO Conventions, including the Domestic Workers Convention, 2011 (No. 189), and duly implement the Domestic Workers Recommendation, 2011 (No. 201);

(c) Adopt the laws pending in Congress relevant to women's rights and ensure their compatibility with international human rights standards;

(d) Repeal laws prohibiting access to emergency contraception and liberalize abortion law so as to ensure access at least in cases where the pregnancy poses a threat to the life or health of the woman, where it is the result of sexual violence or in case of severe foetal impairment, as the first step;

(e) Review the permissive legislation on firearms with a view to their eventual prohibition;

(f) Keep the legal framework under regular and well-informed review, ensuring its compliance with international standards, to ensure a positive impact on women.

72. With regard to the institutional and policy framework, the Working Group recommends that the State:

(a) Ensure the effective implementation of legislation;

(b) Strengthen the autonomy, role and position of the National Institute for Women vis-à-vis other State bodies, ensuring that it obtains the necessary support and cooperation from all the relevant ministries and receives enough resources to fulfil its mandate;

(c) Ensure that municipal offices for women and gender units in ministries are sufficiently funded and staffed by competent and trained personnel;

(d) Allocate sufficient resources (human and financial) to programmes under the Ciudad Mujer initiative and secure their availability across the country;

(e) Ensure better coordination among all concerned stakeholders so that laws and policies on women's rights and gender equality are effective;

(f) Ensure that all State entities include gender indicators in their strategic planning, with dedicated budgets;

(g) Increase the budget and strengthen the human resources of the Ministry of Human Rights, which coordinates the Inter-Agency Commission to Monitor Investigations into Violent Deaths of Women and Femicide, and of the protection mechanism for human rights defenders and the Inter-Agency Commission to Combat

**Commercial Sexual Exploitation and Trafficking in Persons, to ensure the enforcement of human rights and gender equality in the country;**

**(h) Take all necessary measures to ensure that the Office of the National Commissioner for Human Rights regains its A status;**

**(i) Shift the focus of security policies from militarization to human security.**

73. With regard to access to justice, the Working Group recommends that the State:

**(a) Ensure women's access to justice, addressing the gaps stressed in the present report;**

**(b) Ensure that free and quality legal aid is provided to women who do not have the necessary financial resources;**

**(c) Ensure that all the current reforms within the justice system duly incorporate a gender focus.**

74. With respect to family and cultural life, the Working Group recommends that the State:

**(a) Undertake sustainable educational strategies and awareness-raising campaigns aimed at addressing gender stereotypes and discriminatory attitudes and beliefs;**

**(b) Ensure that the media do not promote stereotypes and gender-based violence, and raise their awareness on violence against women and human rights defenders;**

**(c) Ensure that health policies are not under the undue influence of any particular religious doctrine or a set of beliefs;**

**(d) Recognize diverse family forms.**

75. With respect to political and public life, the Working Group recommends that the State:

**(a) Ensure the effective implementation of the law on quotas;**

**(b) Provide the necessary support to women candidates, address political violence against women and promote women's participation in political life;**

**(c) Conduct sustainable awareness-raising campaigns to prevent violence against women in politics and effectively investigate cases;**

**(d) End the criminalization and judicial harassment of women human rights defenders, protect them from violence (including by private actors) and investigate crimes against them;**

**(e) Ensure that the protection mechanism established by the State duly integrates a gender perspective and addresses the particular needs of women human rights defenders;**

**(f) Take all necessary measures to secure justice for Berta Cáceres and her family, in accordance with international standards, and duly sentence the main instigators of the crime.**

76. With respect to economic and social life, the Working Group recommends that the State:

**(a) Take measures to increase labour participation by women, particularly of women experiencing intersecting forms of discrimination, including measures to ensure work-life balance;**

**(b) Take measures to recognize, reduce and redistribute unpaid care work and provide for adequate social protection;**

**(c) Measure the impact of measures such as the Better Life programme and the National Solidarity Loan Programme for Rural Women to check that they do**

improve the living conditions of women, and ensure that they are accessible to women facing intersecting and multiple forms of discrimination;

(d) Ensure the respect for labour rights in the *maquila* industry and for domestic workers, in accordance with international standards;

(e) Ensure that labour inspectors conduct thorough and independent investigations in *maquilas* into working, safety and health conditions and that effective referral mechanisms are available to all, including domestic workers;

(f) Support campaigns to raise awareness about the importance of women's membership of trade unions;

(g) Promote women's entrepreneurship and establish quotas in corporate boards to ensure due representation of women in leadership positions;

(h) Ensure full accessibility of quality education for all girls;

(i) Ensure that human rights education is taught in all public schools, covering women's rights and gender equality, with a focus on prevention of gender-based violence;

(j) Ensure that comprehensive and science-based sexuality education is included in core curricula and systematically taught in all public schools;

(k) Ensure that pregnant girls remain in school and that they are supported in pursuing their education after giving birth.

77. With regard to access to health, the Working Group recommends that the State:

(a) Ensure full and appropriate access to quality health care to all women across the country, including in remote areas and with particular attention to the needs of women experiencing intersecting forms of discrimination, such as women living with HIV, women engaged in sex work/prostitution and women with disabilities;

(b) Expand the coverage of prevention services, in particular for breast and uterine cancer;

(c) Ensure unimpeded access to reproductive health services and contraception, in particular for adolescents and women with limited financial means, particularly in rural areas, and redouble efforts to prevent adolescent pregnancy;

(d) End the penalization of women and midwives for home births and ensure that health authorities establish cooperation with midwives to ensure that women have access to the highest standards of health care, while respecting their autonomous decision-making;

(e) Ensure that legislation on abortion and emergency contraception is in compliance with international human rights standards.

78. With regard to gender-based violence, the Working Group recommends that the State:

(a) Take all necessary steps to address the high levels of impunity, ensuring that all cases are effectively prosecuted and sentenced and that serious acts of gender-based violence are treated as criminal offences, while systematically respecting survivors' rights;

(b) Ensure that legislation is fully compatible with international standards and adopt an integrated, comprehensive approach to combating violence against women;

(c) Strengthen and secure sufficient human and financial resources for the specialized units and courts, improve coordination among the relevant actors and secure further training for the relevant personnel;

(d) Ensure the effectiveness of restraining orders and a sufficient number of duly funded shelters, and improve rehabilitation measures;

- (e) **Ensure consistent interpretation of the definition of the crime of femicide;**
- (f) **Ensure sufficient services for children of femicide victims;**
- (g) **Document and duly investigate cases of women's disappearance in a systematic manner;**
- (h) **Continue conducting sustainable awareness-raising campaigns, including among the media;**
- (i) **Establish a centralized data-collection system.**

79. With regard to women experiencing intersecting forms of discrimination, the Working Group recommends that the State:

- (a) **Establish a system for collecting disaggregated data on women facing intersecting discrimination, with a view to better identifying the challenges that they face and tailoring policies accordingly in consultation with communities;**
- (b) **Systematically consult indigenous, Garífuna and Afro-Honduran women on the design of policies affecting their lives, as well as other groups of women experiencing intersecting forms of discrimination;**
- (c) **Regarding indigenous and Garífuna women guarantee their access and full participation in decision-making; prevent and combat violence against them; guarantee adequate health care, including sexual and reproductive health care and respecting the practice of traditional medicine; and ensure their access to quality education, respecting their languages and culture;**
- (d) **Ensure equal access to decent employment, entrepreneurship, loans and financial services, as well as the possession of their lands and means of production;**
- (e) **Eliminate violence, discrimination and stigmatization against lesbian, bisexual, transgender, queer and intersex women, women with disabilities, women engaged in sex work/prostitution and women living with HIV and ensure their effective participation in political, civil, economic and social life and access to quality health services;**
- (f) **Improve detention conditions and duly implement regional and international standards on detention, in particular with regard to alternatives to imprisonment for crimes carrying short prison sentences and for incarcerated mothers of small children, as set out in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**
- (g) **Simplify prison visiting procedures;**
- (h) **Take measures to support and protect migrant returnees and to address the root causes of migration.**

80. The Working Group also recommends that the international community in Honduras, in both the United Nations system and the diplomatic community, ensure that their actions for the promotion of women's rights and gender equality are coordinated, are based on international human rights standards and entail sustainable strategies rather than being limited to short-term projects. The Working Group further recommends the creation of a constructive space for dialogue involving the authorities and civil society organizations, even on issues deemed controversial.