



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

TEGUCIGALPA (7 July 2014) – At the end of a eight-day mission to Honduras, which took her to Tegucigalpa, San Pedro Sula and La Ceiba, Ms. Rashida Manjoo, UN Special Rapporteur on violence against women, its causes and consequences, delivered the following statement:

“I have been mandated by the Human Rights Council to seek and receive information on violence against women, its causes and consequences, and to recommend measures to eliminate all forms of violence against women.

I would like to express my appreciation to the Government of Honduras for extending an invitation to me to conduct this official country visit. I am grateful to all interlocutors, including State officials, representatives of civil society organisations, UN agencies, and in particular individual survivors of violence. During the mission, it was clear that there is a willingness by the Government to engage with the international human rights system, as regards the human rights of women. I commend the government on its responsiveness in this regard and also its commitment to engaging in open and transparent dialogues with me during this mission.

Current context

In the historical context of a legacy of poverty, underdevelopment and citizen insecurity, the military coup of 2009 further exacerbated the situation in the country and has negatively impacted Honduran society as a whole. The new Government has been in place since January 2014 and the country is currently in a state of transition. It is apparent that attempts are being made to build institutions; foster trust and confidence in the new government; and at the same time, address the climate of widespread and systematic crime, corruption and impunity.

Furthermore, the country is facing a financial crisis and this has led to decisions that aim to consolidate State institutions, as part of a larger goal to ensure cohesion, reduce fragmentation and costs, and also address the problem of duplication. For example, there has been a considerable reduction in the number of government ministries from 38 to 15, and also a reduction in staff and specialised services, including in the violence against women sector. The response to such developments is either a positive one that acknowledges the value of cost effective measures; or a negative one that views these measures as an attempt to weaken State institutions, and to further entrench the lack of accountability of the State in its responsibility to promote and protect human rights generally, and the rights of women and girls in particular.

Due to many factors, including the high homicide rate and alarming levels of other expressions of violence, including injuries, robberies and extortion, Honduras is reported to be among the most violent countries in the world today. Furthermore, the proliferation of small and light weapons, the drug trade, and the actions of violent gangs, further contribute to high levels of violence. The role and continuing influence of the military in general, but particularly in policing and education activities, is of concern to many interviewees, due to the experiences of people vis a vis the military, and the legacy of fear and mistrust of this institution.

Also, the reality of the lack of institution-building, the high turnover of staff in the civil service, and the politicization of appointment processes, further serve to impact negatively on the continuity and sustainability of Government policies and programmes. These issues are of deep concern, and the negative implications of such practices in the promotion and protection of human rights and the rule of law, need to be reflected upon by the current government of Honduras.

Manifestations and prevalence of violence against women

In Honduras, violence against women is widespread and systematic and it impacts women and girls in numerous ways. It precludes the exercise of civil, political, economic, social, cultural, and development rights, and is thus a barrier to effective citizenship. The climate of fear, in both the public and private spheres, and the lack of accountability for violations of human rights of women, is the norm rather than the exception.

During the course of the mission, I noted numerous concerns as regards the high levels of domestic violence, femicide and sexual violence. In a context of contestation over verifiable empirical data with regard to all manifestations of violence against women, anecdotal evidence and also data from the State and non-state sector is highlighted here. Generally, it was suggested that incidents of violence against women are increasing. For example, it was noted that between 2005 and 2013, the number of violent deaths of women rose by 263.4%. According to the National Health and Population Survey for the period 2011-2012, 27% of women aged between 15- 49 years, and 37% of women aged between 45-49 years, have been subjected to physical violence at some point in their lives.

Statistics from the Public Prosecutor's Office reflect approximately 16,000 reported allegations of numerous manifestations of violence against women for 2012, with 74.6% related to domestic and intra-family violence, and 20% related to sexual offences. From 2009 to 2012, it has been reported that 82,547 of domestic violence complaints have been filed, representing an average of 20,637 complaints per year, of which 92 per cent were filed by women. I was informed that in 2013, approximately 2,851 sexual violence complaints were filed, with the prevalence rate rising from 4.6 in 2008 to 8.6 in 2010.

I have also heard from interlocutors about the link between gendered violence, whether sexual, physical or other, and migration. The causes of migration of women and girls include fleeing because of violence, poverty, lack of opportunity and also a generalized sense of insecurity. The consequences of migration include violence, exploitation, disappearances, and forced displacement from families and communities. I note with concern the current context of reports of thousands of unaccompanied children, both girls and boys, who are migrating to the United States of America from countries in the region, including Honduras. These children, who are often unaccompanied, are fleeing rising levels of extreme poverty,

extortion, risks of forcible recruitment into gangs in their local communities and schools, physical violence, domestic abuse and/or other types of insecurity.

Trafficking in persons for the purposes of sexual exploitation is another manifestation of violence against women that is underreported in Honduras, due the hidden nature of the crime and also the prevalence of organized crime. It has been reported that the Public Prosecutor's Office has registered 27 complaints for the crime of trafficking of women during 2013. Violence against human rights defenders, who work on issues linked to land claims, environmental protection, the rights of minorities, and various other human rights issues, was also highlighted in my meetings with members of civil society.

I am concerned about the situation as regards violence against indigenous and Afro-descent women and girls, and the issue of eviction of peoples from their lands in favour of corporate development projects, which places entire communities in situations of extreme risk and vulnerability, of which women and children bear most of the cost. I am also concerned at the violence perpetrated against members of the LGBTI community.

Furthermore, in Honduras, many women continue to be disproportionately over-represented in low paid, part-time and insecure work, as they are less likely to have the necessary skills and qualifications to engage in the formal economy. For instance, the maquila industry discriminates against women on the basis of their age and their physical ability to work long hours and under extremely hazardous conditions. The lack of, or minimal regulation of this sector, precludes protection from abusive practices as articulated in the labour laws.

During my mission, I visited the National Penitentiary for Women in Tegucigalpa, the only exclusively female detention center in the country. According to official data from the National Penitentiary Institute, there are currently 292 women in the prison, which has a capacity for 200 women. The number of incarcerated women in Honduras is growing, with the major cause of incarceration being associated with gangs, extortion, and dealing in drug-related activities. A large number of women in detention have a history of being subjected to poverty, violence, coercion, and duress prior to being imprisoned. In my view, the structural and root causes of incarceration; the violence experienced during incarceration; and the consequences of incarceration for women, are not being sufficiently assessed in Honduras. My interviews with detainees revealed that there is a lack of State support, including in terms of access to medical and social services; transport to and from the court to attend scheduled hearings; inappropriate legal representation; the length of pre-trial detention; the lack of effective investigation into cases, which results in disproportionate sentencing for certain crimes; and discrimination and bias within the criminal justice system.

I also visited the Casita 21 de Octubre, a facility designed for vulnerable troubled adolescent boys who have never been in conflict with the law, but are considered as "troubled" and at risk. In this facility I met with young adolescent girls from the Sagrado Corazon de Maria detention center for adolescents in conflict with the law. These young girls have recently been transferred to the premises of the Casita 21 as an emergency measure, in response to various allegations that are yet to be investigated. I have noted numerous concerns as regards this transfer, including the lack of attention to the best interests of the boys who have been moved to a detention centre in close proximity to a youth offenders centre; the aggression and disobedience expressed by the girls who were moved at short notice and who have been physically and verbally assaulted by guards; the disrespectful and punitive treatment of youth offenders who are detained for crimes linked to gangs; and the imposition of a problematic

solution on the staff of both facilities, in efforts to deal with a problem that they are not prepared to nor have the capacity to handle.

Legislative and institutional developments and challenges

At the national level, I noted the development of legislative and institutional measures including among others the recent amendments to the Penal Code to incorporate femicide as a specific crime, and, the adoption of a National Policy on Human Rights and its accompanying Action Plan covering the period 2013-2022. The adoption of the Domestic violence Law in 1997, and its amendment through Decrees No. 250/ 2005 and No.35 in 2013, has not led to an effective legislative response to domestic violence, and it remains the leading cause of reported crimes against persons at the national level. Significant challenges persist in the area of accountability for acts of violence against women and girls. For example, it is argued that there is a 95% impunity rate for sexual violence and femicide crimes. In cases of domestic violence, the CEDAW Committee noted in 2006, that the resolution rate of domestic violence cases was 2.55%.

The main challenges identified to address violence against women include the lack of effective implementation of legislation, obstacles such as gender discrimination in the justice system, inconsistencies in the interpretation and implementation of legislation, and the lack of access to services that promote safety and also address prevention of future acts of violence. Moreover, corruption, the lack of political will, and the failure of authorities to exercise due diligence in investigating, prosecuting and punishing perpetrators of violence against women contributes to an environment of impunity, resulting in little or no confidence in the justice system.

The interviews also reveal high levels of cynicism as regards the functioning and ability of institutions that are in place to promote and protect women's human rights. This then further fosters a culture of non-reporting of cases of violence by women and girls. Furthermore, many interlocutors indicated that they do not consider the justice system as a viable option to obtain remedies, due to numerous factors including inadequate police responses, the lack of adequate investigation of cases, the low levels of prosecution, lengthy periods for a case to be finalised, and the negligible conviction rates in cases related to violence against women.

As regards the provision of protective measures and also services, I am concerned at the lack of sufficient facilities, such as shelters for battered women, and safe houses for women who have to enter the witness protection program. I was shocked to hear of situations in which State officials disregard the safety needs of battered women, due to the practice of referring high risk cases involving battered women and also fearful witnesses, to shelters for victims of domestic violence. This disregard then places both the shelter institution, and also its staff and residents, in a state of extreme vulnerability and hinders their ability to effectively provide assistance to victims and to guarantee their safety. The State has a duty to provide differentiated and appropriate protection or assistance to women, and cannot justify imposing onto third parties, its primary responsibility to prevent acts of violence against women, and to protect victims. The ban on abortion and also emergency contraception is a source of concern, as it negatively impacts the sexual and reproductive rights of all women and girls in Honduras, including those who have been raped.

Efforts to provide services at the municipal government level include having a gender unit or department with professional staff to address the therapeutic and other needs of women. Unfortunately, such services are linked to donor funding and their sustainability is a source of concern. The closure or merging of investigation units has also led to concerns about the lack of specificity in prosecuting crimes against women, the lack of appropriate equipment and tools, and the lack of human resources - thereby further eroding the need for accountability for such crimes. A further source of concern, at both the central and municipal level, is the limited data collection on prevalence as well as data on outcomes of investigations and prosecutions, by these specialised units. This then raises questions about the basis of law, policy and programmatic responses.

Conclusion

It is crucial to recognize that violence against women and girls is a human rights violation that is rooted in multiple and intersecting forms of discrimination and inequalities, and that it is strongly linked to the social and economic situation of women. The importance of accountability as the norm for acts of violence against women cannot be over-emphasised, more especially within a context of generalised impunity for violence in the public and private spheres. The lack of focus and effective measures to address women's empowerment needs is also a factor that contributes to continuing insecurity and fear, and precludes the possibility of eliminating all forms of violence against women and girls. I have noted with concern, the ineffective measures to address social transformation through activities that are not sustainable and that do not meet the goal of addressing myths and stereotypes about gender roles and responsibilities.

It is also important to recall that Honduras has international legal obligations to meet, as set out in, among other treaties, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The State has a responsibility to act with due diligence to eliminate all forms of violence against women and girls. This responsibility includes the protection, prevention, investigation, punishment, and provision of effective remedies, including compensation measures. Furthermore, the State has a responsibility to hold accountable state authorities who fail to protect and prevent the violations of women's human rights, due to a lack of response or due to ineffective responses. It is imperative that the best interests of all women and girls should guide the response of the government of Honduras.

My findings will be discussed in a comprehensive way in the report I will present to the United Nations Human Rights Council in June 2015.”

Ms. Rashida Manjoo (South Africa) was appointed Special Rapporteur on Violence against women, its causes and consequences in June 2009 by the UN Human Rights Council. As Special Rapporteur, she is independent from any government or organization and serves in her individual capacity. Ms. Manjoo is a Professor in the Department of Public Law of the University of Cape Town.

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