

DECLARATION OF CLAUDIA HERRMANNSDORFER ACOSTA AND REGINA FONSECA DISCUA, EXPERTS ON VIOLENCE AGAINST WOMEN IN HONDURAS

I, Claudia Herrmannsdorfer Acosta hereby declare:

Experience and Expertise

I, Claudia Herrmannsdorfer Acosta, am a Honduran attorney and women's rights expert. I have a law degree from the National Autonomous University in Honduras (*Universidad Nacional Autónoma de Honduras*) and twenty-three years of experience working on issues of women's rights, with a focus on violence against women. I am currently the founder and coordinator of the law firm Legal Team for Human Rights, with headquarters in Tegucigalpa, Honduras. The firm promotes legal analysis and strategic litigation related to issues of human rights, with an emphasis on women's rights, sexual and reproductive rights, and rights of LGBTTI people and indigenous groups. I also serve on the board of directors for the Center for Women's Rights (*Centro de Derechos de Mujeres*), a non-profit women's rights organization in Honduras. I have extensive experience in legal representation of women who are victims of violence and have played a central role in the development of legislation regarding women's rights and violence against women in Honduras. I participate in intergovernmental and academic forums and have published multiple reports on violence against women in Honduras.

Education and Professional Background

1. I graduated in 1982 with a law degree from the most prestigious university in Honduras, the National Autonomous University of Honduras. From 1992 to 1999, I practiced law full time in the Honduran courts as a member of the law firm Acosta Bonilla and Associates. There I worked on issues of civil, corporate, and administrative law, gaining a broad knowledge of the Honduran legal system.
2. I was employed from 2000 to 2012 at the Center for Women's Rights, a non-profit women's rights organization in Honduras. I worked as coordinator of the organization's Prevention and Attention to Violence Against Women Program, which works to ensure women's access to justice by providing free legal and mental health services to survivors of gender-based violence. The program also engages in public education campaigns and provides training to police, judicial officials, and medical professionals. During my time at the Center for Women's Rights I represented clients in domestic and sexual violence cases, which allowed me to gain in-depth knowledge of the shortcomings in the judicial system and the barriers to justice and protection that women face in Honduras.
3. I have published multiple reports on women's rights and violence against women in Honduras, including the reports *Violence Against Women, Access to Justice, and Impunity, Violence Against Women in Honduras: A Reflection on the Process, Combating Violence Against Women*, and *A Balance of Gender-Sensitive Jurisprudence of National Courts in 13 Latin American and Caribbean Countries*.

4. I have participated in extensive advocacy for improved legislation related to women's rights and violence against women in Honduras. Following the enactment of the Law Against Domestic Violence in 1997, which did little to protect women's right to a life free from violence, I litigated cases under the statute, monitored its application, and advocated for reform to improve the law. I also participated in the legislative process leading up to the 1996-1997 and 2006 reforms to the Honduran criminal code in an effort to increase access to justice and protection for women in cases of sexual, domestic, and other forms of gender-based violence. In 2015 I co-authored a draft proposal for a Comprehensive Law Against Violence towards Women, and since then have engaged in advocacy to promote the adoption of that law.
5. I have also advocated for women's right to a life free from violence in international forums. I am a member of the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) in Honduras, and I have represented and testified on behalf of CLADEM in front of United Nations committees and groups. In 2009 I testified before the Inter-American Commission on Human Rights regarding human rights abuses following the 2009 coup d'état, with a focus on violations of women's rights.

I, Regina Fonseca Discua, do hereby declare:

I, Regina Fonseca Discua, am a psychologist and women's rights expert in Tegucigalpa, Honduras. I hold a master's degree in Population and Development and Gender Studies. I have worked for twenty-five years at the Center for Women's Rights, a non-profit women's rights organization in Honduras, where I have led the organization's work in the areas of political advocacy, communications, and sexual and reproductive rights. I have authored multiple reports on sexual and reproductive health and rights and on violence against women in Honduras. I participated in the development of the Special Law Against Domestic Violence and the proposed Integral Law Against Violence Against Women in Honduras and advocated for their adoption and implementation.

Education and Professional Background

1. I graduated in 1984 with a degree in psychology from the National Autonomous University of Honduras. In 1994 I completed a master's degree from the National Autonomous University of Honduras in Population and Development. I have also completed postgraduate diplomas in Gender Studies from Rafael Landívar University in Guatemala and Gender and Public Policy from the Latin American Faculty of Social Sciences (FLASCO) in Argentina.
2. I have worked for over twenty-five years (1994 to present) at the Center for Women's Rights, a non-profit women's rights organization in Honduras. I currently lead the organization's Political Advocacy Program, and previously I served as coordinator for the areas of Analysis and Communications and Sexual and Reproductive rights.

3. I have researched and authored or co-authored multiple reports on violence against women, including three editions of *Women in Statistics*, a report on socioeconomic indicators of the situation of women in Honduras published by the Center for Women's Rights. I also authored and co-authored reports including *Access to Justice in Cases of Violent Death and Femicide in Honduras* (2015), *Sexual Violence Against Women in Honduras 2010-2014* (2015), and *Public Policy and Human Rights of Women since the Coup in Honduras* (2010). In 2007, I was a researcher and co-author of the *Alternative Report to the Convention for the Elimination of All Forms of Violence and Discrimination Against Women* for Honduras.
4. I have developed and carried out multiple studies on women's health in Honduras for the Honduran Secretary of Health, including studies on reproductive health, maternal and infant mortality, access to health care services, and HIV/AIDS.
5. From 2013 through the present, I have served on the board of directors for the Network of Health of Women in Latin America and the Caribbean (RSMLAC), where I have contributed to the development of the network's strategies.
6. I participated in the development of the Special Law Against Domestic Violence and the proposed Comprehensive Law Against Violence Against Women in Honduras and advocated for their adoption and implementation.

We, Claudia Herrmannsdorfer Acosta and Regina Fonseca Discua hereby jointly declare:

Introduction

Sexual and gender-based violence (SGBV), including domestic violence, sexual assault, human trafficking for the purposes of sexual exploitation, femicide, and hate-based violence against LGBTI people, is extremely widespread in Honduras. Violence against women, girls, and LGBTI people is generally considered to be socially acceptable and as a result is rarely reported to authorities. When these forms of violence are reported, the Honduran law enforcement and judicial systems do not take these crimes seriously or investigate and prosecute them effectively. This has led to high levels of impunity, with over 90 percent of SGBV related crimes going unpunished.

In April 2019, the United States Department of State published its 2018 Human Rights Reports. For the second year in a row, the State Department's reports for the Central American countries of Honduras, Guatemala, and El Salvador exclude important information on topics related to sexual and gender-based violence and sexual and reproductive health.¹ These reports fail to describe the dire situation of women's and LGBTI rights in Honduras, Guatemala, and El Salvador, which have some of the highest rates of sexual and gender-based violence in the world.

¹ Topics of sexual and gender-based violence, women's rights, LGBTI rights, and sexual and reproductive health are excluded in reports on other countries and regions as well. For more information, see the November 2018 report by Oxfam: https://www.oxfamamerica.org/static/media/files/Sins_of_Omission.pdf

Women’s and LGBTI rights activists in Honduras and other Central American countries have fought for the acknowledgement of sexual and gender violence and its serious impact on the lives of women, children and LGBTI people. The exclusion of this highly important information from the State Department’s Human Rights Reports adds obstacles to our effort to demand that Central American governments prioritize these matters and appropriately apply the existing laws and policies which should guarantee justice and protection to survivors of sexual and gender-based violence.

This declaration outlines the current situation regarding sexual and gender-based violence and impunity in Honduras, including forms and prevalence of SGBV, social norms that promote or tolerate SGBV, and the barriers that survivors of SGBV face in accessing justice and protection.

Widespread Sexual and Gender Based Violence and Impunity

I. Forms and Prevalence of Sexual and Gender-based Violence (SGBV)

Context

Sexual and gender-based violence— including domestic violence, sexual assault, child sexual abuse, and hate-based violence against LGBTI people— is extremely widespread in Honduras. Survivors of these forms of violence face significant barriers to accessing justice and protection, and in the vast majority of cases the perpetrators of these crimes are not punished.

Violence against women, girls and LGBTI people in Honduras takes place within a historical and cultural context of persistent inequalities in power relations between men and women, devaluing of women and girls, and stigmatization of those who are not perceived to comply with conventional gender norms for men and women. This affects the attitudes and perceptions of women, girls, and LGBTI people within Honduran society, who are not seen as people with a right to a life free from gender-based violence, to sexual and reproductive autonomy, and to personal development without stigmatization or discrimination.

The broader political context plays an important role in the persistence of this violence. In recent years, Honduras has seen a deliberate weakening of public institutions and laws in favor of the political interests of the government and other powerful groups, to the detriment of the country’s democracy. This has allowed for impunity resulting from the inappropriate or lack of enforcement of the law, deeply rooted corruption, abuse of power by government authorities, and the involvement of organized crime at every level of government and in every sector of society.

The following are some of the major forms of gender-based violence against girls, boys, women and LGBTI people in Honduras.

Femicide

Honduras faces staggering rates of murder of women and the vast majority of these crimes are never punished. While Honduran government officials express being proud of the reduction of the homicide rate in the country, murders of women continue to be ignored. Four thousand women were killed in Honduras from 2010 to 2017 and almost 2,500 since the introduction of the law criminalizing femicide in 2013.² In 2017 the murder rate for women was 8.3 for every 100,000 women,³ nearly 300 percent higher than the rate in the United States.⁴ A third of victims were younger than 25 years old.⁵ These statistics likely far underrepresent the actual number of violent murders of women, as murders of women in some cases go unreported to authorities. Additionally, a growing number of women are “disappeared”, as evidenced by clandestine cemeteries where bodies of women have been discovered,⁶ and in some cases their deaths are not included in official murder rates.

Of the 5,592 women murdered between 2012 and June of 2017, over 90 percent of cases have resulted in impunity.⁷ In those cases in which murders of women are prosecuted they are very rarely prosecuted under the femicide portion of the penal code. This results in lighter sentences for perpetrators than they would have otherwise received. According to women’s organizations, of the 2,497 violent deaths of women that occurred since the crime of femicide was added to the penal code, only 24 cases have been prosecuted as femicide.⁸ Of the 11 cases received by the Penal Sentencing Courts for the crime of femicide during 2017, 6 resolutions were issued, 5 of them were guilty verdicts.⁹

Intimate Partner Violence

Every year, thousands of Honduran women experience violence at the hands of their intimate partners, including physical, psychological, and sexual violence. In 2018, the civil courts that hear cases of domestic violence received 21,334 accusations.¹⁰ This severely underrepresents

² Center for Women’s Rights (CDM). Data and Reflections: Violence Against Women in 2017 and 2018, http://derechosdelamujer.org/wp-content/uploads/2019/05/Boletin_v3.pdf

³ National Autonomous University of Honduras, “National Bulletin January to December 2018-Edition No 52”, p3, <https://iudpas.unah.edu.hn/observatorio-de-la-violencia/boletines-del-observatorio-2/boletines-nacionales/>

⁴ The State of Homicide: Mapping America’s Homicide Rates from 1999 to 2017, Security.org, <https://www.security.org/resources/american-homicides/>

⁵ National Autonomous University of Honduras “National Bulletin January to December 2017-Edition No 48”, p11, <https://iudpas.unah.edu.hn/observatorio-de-la-violencia/boletines-del-observatorio-2/boletines-nacionales/>

⁶ Center for Women’s Rights et. al, “Status of Violence Against Women,” Report submitted to the Special Rapporteur on Violence Against Women, 2014, <https://www.protectioninternational.org/wp-content/uploads/2014/07/Violence-Women-Honduras-RapporteurONU-June2014final.pdf>; Victoria Aguilar, “Clandestine Cemetery Discovered in the Village of El Lolo in Comayagua,” *Tiempo Digital*, Honduras, January 24, 2019, <https://tiempo.hn/cementerio-clandestino-aldea-el-lolo/>

⁷ National Human Rights Commission, Honduras, “Impunity for Deaths of Women Persists,” January 2018, <https://conadeh.hn/conadeh-persiste-impunidad-en-la-muerte-de-mujeres/>

⁸ “Women, Protagonists of Violence in Honduras,” *Proceso Digital*, August 17, 2018, <https://www.proceso.hn/actualidad/7-actualidad/mujeres-protagonistas-de-la-violencia-en-honduras.html>

⁹ Judiciary, Honduras, “Sentencing Courts Admissions and Resolutions by Type and Category of Crime Against Life,” 2017, <http://www.poderjudicial.gob.hn/CEDIJ/Documents/IngresosResolucionesDelitosContraLaVida-TS2017.pdf>, pp. 36.

¹⁰ Center for Electronic Documentation of Judicial Information (CEDIJ), 2018 Annual Report, <http://www.poderjudicial.gob.hn/transparencia/planeacion/informes/memorias/Documents/MemoriaAnual2018.pdf>
p 34

actual levels of violence, as the vast majority of victims never report due to factors including fear of reprisal by the perpetrator and lack of trust in the judicial system. It is impossible to provide an exact impunity rate for this crime because more than 50 percent of the reported cases are closed by a judge before resolution is reached. According to the Honduran Law against Domestic Violence, if the victim does not attend the hearing scheduled by the judge and does not follow up within six months the case is declared closed. While judges are responsible to follow up on cases in reality the responsibility falls to victims, and if victims do not follow up due to factors such as fear or lack of information or resources their cases are closed. This is a significant weakness in Honduran law.

As explained above, the majority of cases of intimate partner violence are processed as domestic violence, which is a civil offense under the Domestic Violence Law, rather than intrafamilial violence, which is a criminal offense under the Honduran Penal Code. Nonetheless, in 2018 intrafamilial violence was the most commonly reported criminal offense in Honduras, with a total of 3,164 accusations filed in criminal courts.¹¹

Sexual Violence

Sexual violence in Honduras is extremely widespread. According to the records of the Department of Forensic Medicine, in 2018, 2,972 legal medical evaluations were carried out for girls and women who were victims of sexual violence. Of those 87.4 percent were women and girls and 69.1 percent were between 5 and 19 years old.¹²

Sexual violence is underreported, and in cases where it is reported impunity rates are alarmingly high. In 2017, of the 682 cases of rape that were resolved in court only 102 received a guilty verdict for summary proceeding.¹³

Incest, which refers to acts of sexual violence committed by a family member of the victim, is also widespread in Honduras. It is often justified or covered up by families in which men have control over girls and women. Because incest is perceived to be permissible within society it is rarely reported and is often silenced within the family group and the community. Existing statistics far underrepresent the actual incidence of incest. In 2017 the courts filed just 2 cases,¹⁴ despite the fact that available statistics indicate that incest is widespread: of the 2,972 legal medical evaluations carried out for sexual offenses in 2018,¹⁵ in 11.3 percent of the cases the abuser was the parent of the victim.¹⁶

¹¹ Ibid., p 26

¹² National Autonomous University of Honduras, “National Bulletin January to December 2018-Edition No 52,” p11 <https://iudpas.unah.edu.hn/observatorio-de-la-violencia/boletines-del-observatorio-2/boletines-nacionales/>

¹³ Judiciary, Honduras, “Juzgados de Letras de lo Penal Admissions and Resolutions by Type and Category, Crimes Against Sexual Freedom,” 2017, <http://www.poderjudicial.gob.hn/CEDIJ/Documents/IngresosResolucionesJLP-DelitosContraLibertadSexual2017.pdf>

¹⁴ Ibid., p 5

¹⁵ The 2,972 evaluations include women, girls and boys

¹⁶ National Autonomous University of Honduras, “National Bulletin January to December 2018-Edition No 54”, p11 <https://iudpas.unah.edu.hn/observatorio-de-la-violencia/boletines-del-observatorio-2/boletines-nacionales/>

Official data on current impunity rates for sexual violence are not available, but historical data indicate that there is a 94 percent impunity rate for all sexual violence-related crimes.¹⁷

Human trafficking and other forms of commercial sexual exploitation

Human trafficking for the purposes of sexual exploitation is widespread in Honduras. Women, children, and LGBTI people are especially vulnerable, and are trafficked inside of Honduras as well as to El Salvador, Guatemala, Mexico, Belize, and the United States. Many victims have limited resources and are tricked into trafficking situations with false promises of work or education. Gangs and other organized criminal groups in Honduras also traffic girls and young women for the purposes of sexual exploitation.¹⁸

Despite the fact that human trafficking and other forms of commercial sexual exploitation have been outlawed by the Honduran Criminal Code since 2005, this crime is rarely reported, investigated, or prosecuted. According to the U.S. Department of State's 2018 Trafficking in Persons Report, the Honduran Government "did not meet the minimum standards in several key areas. The government did not obtain convictions of complicit officials or child sex tourists. The government provided limited services to adult victims, and services for victims identified outside the capital were even more limited. Despite continued reports of criminal organizations, including gangs, exploiting children in forced criminality, the government initiated only two such prosecutions." Impunity rates for human trafficking crimes remain extremely high; In 2018 145 human trafficking cases were investigated in Honduras but only 10 convictions for human trafficking were reached that year.¹⁹ These high impunity rates are in part a result of the influence of organized criminal groups involved in trafficking and the collusion or involvement of corrupt government officials with those groups.

Sexual harassment

Sexual harassment is defined as acts or conditions created by a person to obtain for himself or for a third party "favors of sexual nature," using a higher position in a labor, academic or religious hierarchy.²⁰ Sexual harassment is also considered a crime when there is no unequal power relationship but when the act of harassment is carried out by electronic media.

Sexual harassment is frequent in Honduras, including in schools and workplaces. Perpetrators are often supervisors, teachers, or other men who hold power and authority over women and girls. This form of violence is normalized and victims very rarely report it to authorities because they fear retaliation by the perpetrator, losing their job or failing a year of school, or exposing

¹⁷ Center for Women's Right (CDM), Observatory of the Human Rights of Women, July 2015, <http://derechosdelamujer.org/wp-content/uploads/2016/02/Observatorio-Violencia-sexual.pdf>.

¹⁸ Association Quality of Life, Socioeconomic Impact on Women Victims of Human Trafficking After Reinsertion in Social Life, 2018, <https://reporterosdeinvestigacion.com/wp-content/uploads/2019/03/victimas-de-trata-2018.pdf>, p17

¹⁹ U.S. State Department Trafficking in Personas Report 2019, Honduras, https://hn.usembassy.gov/wp-content/uploads/sites/109/hon_tip19_sp.pdf/

²⁰ Judiciary, Honduras, "Penal Code" <http://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/CodigoPenal-IncluyeReformasOct2017.pdf>

themselves to questioning or victim blaming. Criminal courts registered only 17 cases in 2017, including 16 female victims and one male victim.²¹ The government has not implemented measures to prevent sexual harassment. Private businesses have initiated some prevention projects with support from UN Women, but they are limited in their reach and have not had a significant impact up to this point.

Violence and discrimination against LGBTI people

LGBTI people are commonly targets of hate-based violence in Honduras, including physical and sexual violence. From 2009 to 2018, 292 LGBTI people were murdered in Honduras: 30 lesbians, 162 gay men, and 92 transgender people.²² In many of these cases victims were subject to sexual violence or torture, reflecting hate and contempt due to their sexual orientation or gender identity.

According to a report by Las Cattrachas and the Robert F Kennedy Human Rights Organization, “In Honduras, there has historically been an environment of discrimination against LGBTTI people that has brought with it violence motivated by prejudice. LGBTTI people, and those perceived by others as such, are victims of acts of physical and verbal violence, mob violence, and in many cases are even attacked for demonstrating affection in public, for example holding hands, kissing, or hugging.”²³

Police violence and abuse against LGBTI people, and especially transgender people, is widespread in Honduras, and includes physical and sexual violence, arbitrary detention and degrading treatment in detention, and extortion.²⁴ Violence by police and other authorities is very rarely investigated or prosecuted. This contributes to an environment in which violence against LGBTI people is normalized and tolerated because violence by authorities “lead[s] others to believe that they can hurt people whose sexual orientations or gender identities are non-normative with impunity.”²⁵

More generally, impunity rates for violence against LGBTI people are alarmingly high. Of 25 officially registered violent deaths of LGBTI people in 2018, only 3 have been taken to court, and there is no information available on guilty verdicts.²⁶

²¹ Judiciary, Honduras, “Juzgados de Letras de lo Penal Admissions and Resolutions by Type and Category, Crimes Against Sexual Freedom,” 2017, p 10, <http://www.poderjudicial.gob.hn/CEDIJ/Documents/IngresosResolucionesJLP-DelitosContraLibertadSexual2017.pdf>

²² Cattrachas, “Violent Deaths vs Procesed Cases, LGBTTI Community Cattrachas, Honduras, <http://www.cattrachas.org/index.php/es/observatorio>.

²³ Lesbian Network Cattrachas and Robert F. Kennedy Human Rights, Background Report for the Interamerican Commission on Human Rights, November 21, 2018, p 7

²⁴ Ibid, p 13

²⁵ Lesbian Network Cattrachas and Robert F. Kennedy Human Rights, Background Report for the Interamerican Commission on Human Rights, November 21, 2018, p13

²⁶ Cattrachas, “Violent Deaths vs Procesed Cases, LGBTTI Community Cattrachas, Honduras, <http://www.cattrachas.org/index.php/es/observatorio>.

LGBTI people also face widespread discrimination in accessing education, employment, and healthcare. Constitutional norms forbidding same sex couples from marrying or adopting reinforce the idea that LGBTI people are second class citizens without full access to rights.

II. Social Norms that Promote Gender-Based Violence and Discrimination

Honduras is an eminently patriarchal society where people are expected to follow strict gender norms related to accepted forms of masculinity, femininity, and heterosexuality. Those who do not comply are often punished through violence and even death.

Relations between men and women in Honduras take place within a context of extreme inequality. Within the family, women are expected to act as care takers and to submit themselves to the power exercised by men, including their fathers, husbands, and partners. Women do not have real making-decision capacity within the home and family; decisions are made by men. Within marriage or civil union, women are expected to be sexually submissive to the desires of their husband or partner and to comply with their partner's sexual demands; if they take sexual initiative, though, they are accused of infidelity, amorality or contradicting religious dictates or cultural tradition. Women are considered to be the property of their male partners or relatives, and men are considered to be justified in using violence to control or punish their daughters, wives, or partners.

The devaluing of women and girls also extends to the public sphere, where they are often considered to be less capable than men. This attitude justifies harassment and discrimination against women and girls who work outside of the home or pursue their education. The widespread perception that women should be financially dependent on a male relative leads to discrimination against women in the economic sector, where they often have difficulty obtaining financing or bank loans. This perpetuates a cycle of dependence in which women do not have tangible assets to support them and therefore are forced to stay in abusive relationships. The perception of women as second-class citizens is also evident in the extreme underrepresentation of women in politics, as well as the fact that women who run for public office face discrimination, harassment, threats, and defamation based on their gender.²⁷

These discriminatory social norms are used to justify gender-based violence. Victims of sexual violence are often blamed for causing the crimes committed against them because of the way they dress, for being on the streets or going out at night, for being extroverted or for causing jealousy, or for not having a heterosexual sexual orientation or conventional gender identity. In cases of domestic violence women are blamed for not obeying their husband or partner or complying with what are presumed to be their domestic and sexual duties. These attitudes of victim blaming are held by many officials within the law enforcement and judicial systems, and limit victims' access to justice and protection as discussed below in section II.

²⁷ "Campaign 'End to Violence Against Women in Politics' Launched," La Prensa, Honduras, February 20, 2019, <https://www.laprensa.hn/honduras/1260887-410/lanzan-la-campa%C3%B1a-alto-a-la-violencia-contra-las-mujeres-en-la>

Domestic violence is widely considered to be a “private” matter. Neighbors, friends, teachers, medical professionals, and others rarely report violence against women and children by their family members because of the perception that these situations are best handled within the family and not by authorities. Because family members rarely intervene to stop violence, this leaves victims with no place to turn for help.

Strict gender norms also justify discrimination and violence against LGBTI people. A report by Las Cattrachas and the Robert F Kennedy Human Rights Organization describes abuse directed at transgender women and other people who do not conform to conventional gender norms. “In particular, trans women are the object of ridicule and violence by Honduran society. [The environment of] machismo and misogyny imply the rejection of trans women because they do not adapt themselves to a gender identity perceived as normative...because of the machista culture people who express a gender identity that does not comply with norms imposed by Honduran society, like the women who are not considered to really be women because they do not follow the social construction of their sex, are faced with hate and lethal violence motivated by transphobia. The perceived rejection by trans women of a masculine identity in favor of identifying themselves with the “weaker sex” is seen as a reduction in their human dignity.”²⁸

Gender-based discrimination intertwines with other forms of discrimination that occur within Honduran society, including discrimination against indigenous and afro descendant people, people from rural areas, people who are poor, and people who do not have a heterosexual sexual orientation or gender identity. This means that a woman, girl, or LGBTI person who is also indigenous or is Afro-descendant or is poor or from a rural area will face multiple and compounded forms of discrimination.

III. Lack of Reproductive Health Education and Early Pregnancy and Parenthood

There is a severe lack of access to sexual and reproductive health education for children and youth in Honduras. Of the over 20,000 schools in Honduras, education on sexual and reproductive health is provided to students in only 50.²⁹ Opposition to comprehensive sexual health education has come from the Catholic and Evangelical churches in Honduras,³⁰ both of which are closely tied to people who are responsible for making political decisions.

Failure to provide sexual health education makes girls more vulnerable to sexual violence and prevents them from exercising their right to make decision about their bodies and their health. It also prevents young people from making informed decisions about if or how they will exercise their sexuality and become parents. Furthermore, existing sexual health education intentionally

²⁸ Ibid, p 7

²⁹ Lorena Martínez “In 17 Communities they already Teach with Sexual Education Guides.” *La Prensa*, September 13, 2017, <http://www.laprensa.hn/honduras/1170333-410/comunidades-ense%C3%B1an-gu%C3%ADas-educacion-sexual>; Report: Hearing on the Situation of Sexual and Reproductive Rights in Honduras, 2019, <https://derechosdelamujer.org/informe-situacion-de-derechos-sexuales-y-reproductivos-de-ninas-y-mujeres-en-centroamerica/>

³⁰ “Use of Sexual Education Guides Opens Controversy,” *El Heraldo*, January 25, 2017, <http://www.elheraldo.hn/pais/1038525-466/uso-de-gu%C3%ADas-de-educaci%C3%B3n-sexual-abre-la-pol%C3%A9mica>.

ignores the diversity of gender identity and sexual orientation that exists in Honduras, further marginalizing LGBTI communities.

Additionally, girls and young women face barriers to accessing contraception. This leads to high levels of unplanned pregnancy, which in turn put girls and women at risk for health issues related to dangerous clandestine abortions. Contraception is available at no cost in public health centers and the law imposes no limitations on access for women and girls. However, getting to a health center to request contraception can imply significant costs, especially for girls and women who need to take off work or find childcare. Additionally, while there are no legal restrictions on access to contraception for minors, when girls and young women request contraception at health centers they are often refused and told to come back with a partner or a parent or guardian. Local health centers are located within the neighborhoods and communities they serve and often the nurse or other provider knows the families in the area, making many girls and young women hesitant to access contraception for fear that their families or others in the community will find out that they are sexually active. Therefore, they are obligated to travel to a further-away health center to access contraception, incurring additional hardship in terms of time and travel cost.

Lack of sexual health education and limited access to contraception has contributed to extremely high rates of adolescent pregnancy in Honduras. Despite efforts by the government to address adolescent pregnancy, including the creation of 50 centers which provide adolescents with counseling regarding sexual and reproductive health,³¹ the rate of adolescent fertility in Honduras remain alarmingly high. In 2018, 29,741 births were registered by girls between 10 and 18 years old in public hospitals,³² and in one in four births that take place in hospitals the mother is under the age of 18.³³ Nearly half of the births among women younger than 20 years old were unplanned.³⁴

Even more alarming is the frequency of pregnancy in very young girls. Between 2009 and 2018, the Office of the Secretary of Health recorded a total of 214,554 births among adolescents, 9,476 of which were among girls younger than 14 years old.³⁵ At least 3,000 births among girls under 14 years old were recorded in 2018 alone.³⁶ According to the Honduran Criminal Code, all pregnancies and births in girls under the age of 14 are the result of rape because the child's age makes her unable to consent. However, authorities do very little to prevent these acts of violence and they are seldom effectively prosecuted.

³¹ Government of the Republic of Honduras, "In the Headquarters of the UN: First Lady Emphasizes Advances in Honduras in Prevention of Adolescent Pregnancy," <https://www.presidencia.gob.hn/index.php/gob/el-presidente/primer-dama/2937-en-la-sede-de-la-onu-primer-dama-destaca-avances-de-honduras-en-materia-de-prevencion-de-embarazo-en-la-adolescencia>.

³² Secretary of Health. Area of Statistics on Health/Hospital Discharges, Adolescent Childbirth, 2018

³³ "Honduras is the Second Country in CA with the Most Adolescent Pregnancies," El Tiempo, Honduras, July 15, 2018, <https://tiempo.hn/honduras-segundo-pais-en-centro-america-con-embarazadas-adolescentes/>

³⁴ Guttmacher, "Sexual and Reproductive Health of Young Women of Honduras" July 2014, <https://www.guttmacher.org/sites/default/files/factsheet/fb-dd-honduras.pdf>.

³⁵ Data presented at the Forum Democracy and Reproductive Rights, taken from 2009-2018 registries of the Area of Health Statistics, Secretary of Health, Honduras, June 2019.

³⁶ Office of the Secretary of Health, Area of Statistics of Health, Hospital Discharge.

Early pregnancy increases the risk of negative health impacts for mothers as well as maternal mortality: 36% of the maternal deaths in Honduras occur among women younger than 19 years old.³⁷ Additionally, the complete criminalization of emergency contraception and abortion under all circumstances means that the lives of many young girls, including those who have experienced sexual violence, are altered forever by forced pregnancy and maternity.

Illegality and Criminalization of Abortion and Emergency Contraception, Even in Cases of Sexual Violence

According to the Articles 126 – 132 of the Honduran Criminal Code, abortion is penalized under all circumstances, with no exception for rape or danger to the woman’s life.³⁸ Various committees of the United Nations System have recommended to the government of Honduras the decriminalization of abortion, at least in certain circumstances,³⁹ but the Honduran Congress has failed to comply with these recommendations. Emergency contraception has been prohibited in Honduras since October 2009,⁴⁰ and efforts by Honduran women’s organizations to eliminate this barrier have been unsuccessful.⁴¹

The criminalization of abortion and emergency contraception infringes upon the rights of thousands of young people, and especially girls and young women. The consequences are especially grave given high rates of pregnancy due to sexual violence. From the prohibition of emergency contraception in 2009 through 2018, 23,605 girls and women have reported sexual violence, and 40 percent of those reports were made by girls 14 years or younger who had been exposed to forced pregnancy.⁴² Between 2010 and 2018, 56 girls between 10 and 14 years old have committed suicide,⁴³ and some of those cases are likely linked in to sexual violence act and unintended pregnancy.⁴⁴

³⁷ Unit of Analysis of Maternal Deaths, Office of the Secretary of Health. This data corresponds to the first 4 months of 2018. Cited in: The State of Honduras and its Commitments with the Montevideo Consensus on Population and Development, 2018. En <http://derechosdelamujer.org/wp-content/uploads/2018/09/Honduras-Poblaci%C3%B3n-y-Desarrollo-2018.pdf>

³⁸ Honduran Criminal Code, <http://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/CodigoPenal-IncluyeReformasOct2017.pdf>

³⁹ United Nations Economic and Social Council, Concluding Observations on the Second Periodic Report of Honduras, July 11, 2016,

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/HND/CO/2&Lang=Sp

⁴⁰ Ministerial Agreement 2744 issued on October 2009,

<https://data.miraquetemiro.org/sites/default/files/documentos/Acuerdo%20Ministerial%202744%20Pae-%20octubre%202009.jpg>;

Supreme Court of Honduras Reaffirms Prohibition on the Sale, Distribution, and Use of the Emergency Contraception Pill, Center for Reproductive Rights, February 29, 2012,

<https://reproductiverights.org/centro-de-prensa/corte-suprema-de-honduras-reafirma-prohibici%C3%B3n-de-venta-distribuci%C3%B3n-y-uso-de-pae>

⁴¹ The Avaaz, “No to Jail for the Emergency Pill,” https://www.avaaz.org/es/no_prison_for_contraception/.

⁴² Data presented at the Forum Democracy and Reproductive Rights, taken from 2009-2018 registries of the Area of Health Statistics, Secretary of Health, Honduras, June 2019.

⁴³ Own calculations from the bulletin of IUDPAS. At <https://iudpas.unah.edu.hn/observatorio-de-la-violencia/boletines-del-observatorio-2/boletines-nacionales/>,

⁴⁴ Secretary of Health, Honduras, National Strategy for the Prevention of Adolescent Pregnancy in Honduras, 2012, p7, https://www.paho.org/hon/index.php?option=com_docman&view=download&category_slug=salud-materna-nino-y-adolescente&alias=332-estrategia-nacional-para-la-prevencion-del-embarazo-en-adolescentes-en-honduras&Itemid=211

In October 2017, a technical group of the Office of the Secretary of Health along with civil society organizations developed a Protocol of Integral Care for Victims/Survivors of Sexual Violence, which included emergency contraception for survivors of rape. Up to the date of this report, authorities have not approved this protocol; consequently, survivors of rape are still without alternatives in the case of a pregnancy resulting from sexual assault, denying them care that is essential according to the standards of the World Health Organization.⁴⁵

IV. Failure of Protection Against Sexual and Gender-based Violence in Honduras

Honduras has laws on the books that criminalize sexual and gender-based violence, including femicide, domestic violence, and human trafficking. These laws require the investigation and prosecution of gender-based violence and provide minimal protection and support for survivors. While these laws exist on the books, in reality there are major impediments to their implementation.

Honduran Criminal Code

The Honduran Criminal Code⁴⁶ outlaws and sanctions crimes against “sexual freedom,” including rape, incest, and statutory rape. The Code also outlaws intrafamilial violence, defined as force, intimidation, or persecution by a partner or ex-partner with the intention of causing physical or emotional damage. In 2013 the Honduran Criminal Code was reformed to include femicide, the murder of a woman because of her gender. While homicide carries a sentence of 15 to 20 years, femicide carries a higher sentence of 30 to 40. Murder can be deemed femicide when it meets one more of the following criteria: the victim is a partner or ex-partner of the perpetrator, the murder was proceeded by acts of domestic or intrafamilial violence, or when the perpetrator inflicts cruel or degrading treatment on the victim or mutilates the victim. In addition to the forms of violence discussed above, the Honduran Criminal Code penalizes other forms of sexual and gender-based violence including sexual harassment, abduction, and other crimes related to sexual exploitation.

Law Against Domestic Violence (1997)

In Honduras, intimate partner violence is covered by two separate laws, depending on its severity. Acts of violence considered to be sufficiently grave are covered by the Criminal Code, discussed above. Other acts are covered by the Law Against Domestic Violence,⁴⁷ which establishes the figure of domestic violence as a civil offense. The law covers forms of physical, psychological, sexual, and economic violence against a partner or ex-partner that are not typified in the Honduran Criminal Code. It allows judges to order precautionary and preventative

⁴⁵ World Health Organization, “Medical Eligibility Criteria for Use of Anticonceptives,” 2015, http://www.who.int/reproductivehealth/publications/family_planning/Ex-Summ-MEC-5/es/.

⁴⁶ Honduran Criminal Code, <http://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/CodigoPenal-ReformaIncluida.pdf>

⁴⁷ Law Against Domestic Violence, https://www.oas.org/dil/esp/Ley_contra_la_violencia_domestica_Honduras.pdf

measures in cases of intimate partner violence, including stay away orders and provisional alimony payments and custody orders, but does not allow judges to impose sanctions on perpetrators beyond one to three months of community services and restitution of economic damages in the case of economic violence. In practice, the Law Against Domestic Violence is implemented in such a way that actually increases impunity for violence against women. Many cases of intimate partner violence are processed within this special system when in fact, based on their gravity, they should be transferred to the criminal court and receive a more severe punishment.

Law Against Human Trafficking (2012)

In 2012 Honduras passed the Law against Human Trafficking⁴⁸ to prevent and combat human trafficking, including forced labor, commercial sexual exploitation, forced marriage, and the recruitment of minors to participate in criminal activity. The law mandates steps to combat human trafficking, including the formation of an immediate response team to support victims, a fund for assistance to victims, a national information system to track human trafficking cases, and prevention efforts. While Honduran judicial officials have received training on human trafficking and some special processes have been developed to address human trafficking crimes, as is discussed in more detail below the extremely small number of cases prosecuted under this law reveal serious weaknesses in the law's implementation.

It is important to emphasize that the laws described above are not adequately implemented or enforced. The Honduran State has insufficient resources for the implementation of these laws, but even worse is the state's unwillingness to dedicate resources it does have to appropriately prevent and penalize gender-based violence.

The lack of implementation of these laws, over time, results in a perception by the general public that the laws are neither legitimate nor effective in guaranteeing their rights, and also sends the message that sexual and gender-based violence is acceptable and its investigation and prosecution is not a priority. To address these gaps in protection, Honduras needs laws that are more effective and broader in their coverage. An example of such as law is the proposed Comprehensive Law Against Violence Against Women, which has been developed by women's organizations in Honduras but has not yet been presented before Congress.

See Appendix A for more information on SGBV-related laws in Honduras.

Failure to Implement Laws and Other Obstacles to Justice and Protection

Honduras is a State marked by institutional weakness, a problem that has worsened in recent years despite efforts by civil society organizations to address it. This weakness allows for corruption, insecurity, and organized crime to thrive in Honduras and prevents survivors of

⁴⁸ Law Against Human Trafficking, [http://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/Ley%20contra%20la%20Trata%20de%20Personas%20\(11,1mb\).pdf](http://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/Ley%20contra%20la%20Trata%20de%20Personas%20(11,1mb).pdf)

violence from accessing justice. In this context, structural inequalities related to gender, sexual orientation, age, ethnicity, and rural-urban location also present barriers to accessing justice. Thus, for women, girls, and LGBTI people, accessing justice for acts of violence becomes even more difficult due to sexist prejudices, social and religious dictates which demand that women endure the violence committed against them, and disdain from the state institutions due to prejudices of all types or simply because addressing gender-based violence is not considered a priority.

a. Police Fail to Enforce Laws on Gender-based Violence, Investigate cases, and Provide Protection to Victims

In recent years, the Honduran Police force has undergone many costly changes in the name of “modernization” and cleaning up corruption, but those changes have not led to more security for the population, let alone for women.

Addressing gender-based violence is not among the priorities of the police; their main focus is on combatting gangs and organized crime. As the current political crisis in Honduras has led to intensifying protests by Honduran citizens, police have responded with increasingly repressive tactics. Police also use disproportionate force against protestors, violating the basic right of Hondurans to speak out publicly and hold their government accountable. These repressive tactics have further undermined the credibility of the police, an agency in which the public already had little faith, and they have led to reduced attention by police to issues of public safety, including responding to reports of gender-based violence.

To improve the response of police to violence against women and their assistance to victims, international institutions have invested funds in the Honduran Police to provide specialized training and to create a Special Gender Unit to address violence against women.⁴⁹ Despite these efforts, investigation of cases of gender-based violence and attention to victims by police continues to be gravely inadequate, a fact that is especially worrisome considering the fact that police force is the institution with the highest level of geographic coverage throughout the country and therefore the easiest place for most women to access the judicial system. When a crime is reported the police are responsible for taking the report from the victim, carrying out an initial investigation, and passing along the report to the Public Prosecutor within 24 hours. In general police do not take gender-based violence related crimes seriously. In many cases they do not even register reports of violence or do not pass along the report to the Public Prosecutor in a timely manner. They often fail to collect the relevant evidence, or they handle evidence improperly, resulting in contamination. In some cases they fail to interview witnesses, impeding the ability of the prosecutor to effectively investigate and prosecute the case.

Additionally, women, girls, and LGBTI people who report gender-based violence to the police face widespread discrimination and mistreatment. They are often disbelieved and face sexual harassment or even violence.

⁴⁹ National Police, Subsecretary of Security in the Prevention Dispatch, <https://www.policianacional.gob.hn/subsecretaria-de-seguridad-en-el-despacho-de-prevencion>

According to Las Cattrachas and the Robert F. Kennedy Human Rights Organization, there is a lack of training and sensitivity among police in attention to LGBTI people and specifically transgender people, “aggravated by transphobia and machismo on the part of members of the police force.” This can lead to improper or inadequate investigation of crimes against LGBTI people by police, worsening already high levels of impunity for these crimes. “In the majority of cases, the gender identity of the victim is completely ignored in the investigation, despite its possible utility for identifying potential motives and suspects. On the other hand, discriminatory prejudices can lead to the abandonment or archiving of an investigation, or even the total lack of an investigation of those crimes.”⁵⁰

The general lack of prioritization of gender-based violence-related crimes by the Honduran Police is reflected in the information the institution makes available to the public. The official statistics page of the National Police focuses on homicide rates and does not provide information on the rates of domestic violence, the most commonly reported crime in the judicial system, or on other acts of violence against women, children or LGBTI people.⁵¹

b. Prosecutors Fail to Investigate and Prosecute Cases of Gender-Based Violence

Prosecutors consistently fail to prosecute gender-based violence against women, girls, and LGBTI people. This is due to chronic understaffing and underfunding as well as the lack of prioritization of gender-based violence. In Honduras, the shift prosecutor who is on call is required to go to the scene of the crime to be present during the initial evidence collection, but this rarely happens due to lack of personnel and means of transportation. The shift prosecutor then has the option to refer a crime to a special prosecutor, such as the Women’s Special Prosecutor, the Organized Crime Special Prosecutor, or the Femicide Unit of the Prosecutor for Crimes Against Life. However, because of the lack of prioritization of gender-based violence, the shift prosecutor will often close the case without substantive investigation rather than referring it to one of the special prosecutors. Without a formal investigation, it is much less likely that the perpetrator will face criminal sanction.

Some years ago, the Office of the Attorney General created the Unit of Specialized Integral Care, with the support of international organizations, to provide support to women who are victims of violence. However, this unit has not been successful in ensuring that cases of gender-based violence are investigated and prosecuted effectively. According to the Law against Domestic Violence, the prosecutors in the Office of the Attorney General have the ability to impose preemptive security measures such as stay away orders in cases of domestic violence. However, prosecutors fail to impose security measures in most cases, due to a lack of personnel capacity as well as the fact that domestic violence cases are not taken seriously.

⁵⁰ Lesbian Network Cattrachas and Robert F. Kennedy Human Rights, Background Report for the Interamerican Commission on Human Rights, November 21, 2018, p 7

⁵¹ Secretary of Security, National Police, Statistics, <https://www.sepol.hn/sepul-estadisticas-honduras.php?id=140>

c. Judges Fail to Effectively Process Cases of Gender-Based Violence and Do Not Provide Protection to Survivors

The most common cause for initiating a judicial process in the courts in Honduras is domestic violence, with 19,935 cases filed in 2018, followed by petitions for child support with 5,395 cases filed in 2018.⁵² In both domestic violence and child support cases the majority of the plaintiffs or petitioners are women. The number of cases filed thoroughly exceeds the capacity of existing judges, leading to backlogs and long wait times for cases to be tried. For example, for a simple proceeding under the Law against of Domestic Violence the maximum wait time for a hearing to impose protective measures should be three days, but according to statistics from the judicial system the real average period for each process is seven months.⁵³ For a criminal matter, a judicial process may last as long as 36 months.⁵⁴ These long wait times place survivors of violence in extended situations of risk and insecurity.

Additionally, judges who issue protective measures rarely follow up to ensure they are complied with. Honduran domestic violence courts emit sentences and protective orders, and by law they should have other judges charged with monitoring their implementation. However, in reality these implementation judges for domestic violence only exist in Tegucigalpa. This leaves victims in other parts of the country without a judicial authority responsible for monitoring the protective measures that have been ordered, placing them in a situation of extreme vulnerability. In general, neither sentencing judges nor implementing judges prioritize cases of violence against women and LGBTI people such as sexual violence, femicide, and other hate-based crimes, and do not take the necessary actions to ensure that sentences and protective orders are carried out.

With the Domestic Violence Law, this system was expanded to include special domestic violence courts as well. However, the domestic violence court in Tegucigalpa has only one judge charged with monitoring implementation of protective orders for the nearly 5,000 cases of domestic violence that are reported in the city each year.⁵⁵ Outside of Tegucigalpa, domestic violence courts do not have judges charged with following up on protective orders. This means that even when a protective order is issued, there is no follow up to ensure that the aggressor complies with the order. This situation increases the general perception of insecurity and lack of guarantees for the life of women, because even when a victim obtains a protective measure it is not appropriately enforced.

d. Survivors Face Additional Obstacles to Justice Where Perpetrators are Linked to Organized Criminal Groups

Many victims do not report violence by gangs and other organized criminal groups to police or other authorities for fear of retribution and lack of confidence that authorities will be willing and able to keep them safe. A 2017 report on forced internal displacement by the Honduran National

⁵² Judiciary, Honduras, Statistical Bulletin, 2018, poderjudicial.gob.hn/CEDIJ/Documents/BoletinEstadistico2018.pdf p 31, 40

⁵³ Ibid, p59,

⁵⁴ Ibid, p 67

⁵⁵ Ibid

Commission for Human rights (CONADEH) established that in 41 percent of the cases studied, the victim registered the act of violence or other rights violation with the CONADEH but did not make a report to the police or other authorities because of fear of retaliation by the perpetrator as well as distrust of police and judicial officials who in some cases have ties to organized crime.⁵⁶

In the cases where victims do report violence, they and their family members may be targeted for acts of revenge, and even death, by the gang or other criminal group. Multiple factors make it unlikely that a conviction will be reached in these cases: investigators do not properly secure the crime scene, leading to a lack of evidence or “contaminated” evidence that may not stand up in court. Witnesses in many cases refuse to testify for fear of retribution by the gang or threats from judicial officials who are biased because of their connections with the gang or criminal group in question. In the case of women killed by gangs and other criminal groups, investigations do not have a gender perspective and prosecutors are hesitant to seek a charge of femicide, even when there is evidence that the crime meets the requirements under the law. Additionally, victims who are willing to report should receive protection from the Program of Protection of Witnesses of the Office of the Attorney General, but it does not have the resources⁵⁷ or the necessary rigor to provide protection, especially in cases where organized criminal groups are involved.

e. Lack of Services and Support for Survivors of Gender-based Violence

The Honduran Domestic Violence Law and the National Plan Against Violence Against Women, both established in 2006, mandate the provision of holistic services to survivors of violence against women, including shelter and medical, psychological and legal services.⁵⁸ Nonetheless, over ten years later the shelter options and support services available to survivors of gender-based violence are woefully inadequate. In all of Honduras there are only seven shelters for survivors of domestic violence. In the capital city of Tegucigalpa, where approximately 4,000-5,000 reports of domestic violence are made each year,⁵⁹ there is only one shelter with capacity for around 20 women and their children. Shelters in other areas of the country have even less capacity. No shelter has the ability to provide security to victims and other shelter residents in cases where the perpetrator of abuse is involved in a gang or other organized criminal group, and no shelters have specialized capacity to provide safety and support to LGBTI survivors of violence.

⁵⁶ National Human Rights Commission, Honduras, "Forced Displacement in Honduras", 2017, <http://190.92.18.85/descargas/INFORME%20EL%20DESPLAZAMIENTO%20FORZADO%20INTERNO%20EN%20HONDURAS.pdf>.

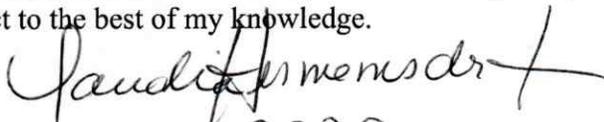
⁵⁷ "Public Ministry: Witness Protection Program Lacks Sufficient Resources," *Tiempo Digital*, April 4, 2017 <https://tiempo.hn/mp-programa-testigo-protogado-no-cuenta-los-recursos-suficientes/>.

⁵⁸ Honduran Law Against Domestic Violence, 2006, https://www.oas.org/dil/esp/Ley_contra_la_violencia_domestica_Honduras.pdf; National Plan Against Violence Against Women, 2006-2010, National Institute of the Woman, Honduras, http://www.inam.gob.hn/web/index.php?option=com_phocadownload&view=file&id=16:plan-nacional-contra-la-violencia-hacia-la-mujer&Itemid=110

⁵⁹ Judiciary, Honduras, Statistical Bulletin, 2018, <http://www.poderjudicial.gob.hn/CEDIJ/Documents/JLVD-IR-2012a2019.pdf>

In 2017 the Honduran government inaugurated the first City for Women (Ciudad Mujer), a center that provides legal, medical and psychological services to women, including survivors of gender-based violence.⁶⁰ While this represents progress toward fulfilling the government's mandate to provide holistic services to survivors of gender-based violence, the program has only three sites in the cities of Tegucigalpa, Choloma, and San Pedro Sula,⁶¹ making it inaccessible to many women in need of services. Additionally, Ciudad Mujer has limited hours of attention—8am to 3pm Monday through Friday—and does not have an overnight shelter, leaving those in urgent need of assistance after 3pm or a safe place to stay the night without options. The Secretary of Health also runs Family Offices (Consejería de Familia) that provide psychological services to women who are victims of violence and their families, but these offices have very limited resources and are not able to meet the need for services.

I, Claudia Herrmannsdorfer Acosta, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signature: 

Date: 5 Febrero 2020

I, Regina Fonseca Discua, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signature: 

Date: 5 Febrero 2020

⁶⁰ Secretary of Development and Social Inclusion, "Government Creates Ciudad Mujer to Provide Holistic Benefits to Women," <https://sedis.gob.hn/node/593>; "First Ciudad Mujer Center Inaugurated in Honduras," El Heraldo, Honduras, March 28, 2017, <https://www.elheraldo.hn/pais/1057287-466/inauguran-primer-centro-de-ciudad-mujer-en-honduras>

⁶¹ "These are the Services that we Offer you in Ciudad Mujer," Ciudad Mujer Honduras, <https://www.ciudadmujer.gob.hn/servicios/>

APPENDIX A: Honduran laws related to SGBV

Honduran Criminal Code

The Honduran Criminal Code outlaws and sanctions crimes against sexual freedom, including rape, incest, and statutory rape. Rape involving penetration carries a sentence of 10 to 15 years, with increased penalties when the victim is under 14 or over 70 years old, when the victim is unable to resist for any reason, or when the perpetrator intentionally drugs or inebriates the victim, takes advantage of a relationship of guardianship or authority, or misrepresents his identity. Acts of sexual violence that do not involve penetration carry penalties of 5 to 8 years.⁶²

The Code also outlaws intrafamilial violence, defined as force, intimidation, or persecution by a partner or ex-partner or against children by a family member with the intention of causing physical or emotional damage. Intrafamilial violence carries a sanction of 1 to 3 years. The sanction increases to between 2 and 4 years when the perpetrator forcibly enters the victim's home, causes grave physical harm, carries out the act while in possession of a deadly weapon, carries out the act against a minor or in the presence of a minor, forces or induces the victim to use drugs or other mind altering substances, or uses the disability or illness of the victim as a pretext to limit her or his freedom of movement.

The crime of commercial sexual exploitation was added to the Criminal Code in 2005 by means of amendments, driven by international pressure and with the main purpose of punishing trafficking and exploitation of minors. Additionally, the Law against Human Trafficking⁶³ includes crimes of commercial sexual exploitation, forced labor, slavery or analogous practices, forced begging, forced pregnancy, forced or servile marriage, irregular adoption, and recruitment of people younger than 18 years old for organized crime activities.

Acts of commercial sexual exploitation included in the Criminal Code, including promoting or facilitating exploitation or recruiting victims, come with a sanction of 6 to 10 years as well as a fine. The sentence is increased by half when the victim is a minor, when the perpetrator takes advantage of his profession, office, or relationship of authority or trust with the victim, or when the victim is subject to servitude or slavery-like conditions.

In 2013 the Honduran Criminal Code was reformed to include femicide, the murder of a woman because of her gender. While homicide carries a sentence of 15 to 20 years, femicide carries a higher sentence of 30 to 40. Murder can be deemed femicide when it meets one more of the following criteria: the victim is a partner or ex-partner of the perpetrator, the murder was preceded by acts of domestic or intrafamilial violence, or the perpetrator inflicts cruel or degrading treatment on the victim or mutilates the victim.

⁶² <http://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/CodigoPenal-ReformaIncluida.pdf> pg.41

⁶³ Judiciary, Honduras, Statistical Bulletin, 2018, [http://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/Ley%20contra%20la%20Trata%20de%20Personas%20\(11,1mb\).pdf](http://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/Ley%20contra%20la%20Trata%20de%20Personas%20(11,1mb).pdf)

In addition to the forms of violence discussed above, the Honduran Criminal Code penalizes other forms of gender-based violence including sexual harassment and abduction and other crimes related to sexual exploitation.

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⁶⁴ Law Against Domestic Violence, https://www.oas.org/dil/esp/Ley_contra_la_violencia_domestica_Honduras.pdf

⁶⁵ Law Against Human Trafficking, [http://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/Ley%20contra%20la%20Trata%20de%20Personas%20\(11,1mb\).pdf](http://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/Ley%20contra%20la%20Trata%20de%20Personas%20(11,1mb).pdf)