



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
14 January 2019
English
Original: Spanish
English, French and Spanish only

Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of Honduras

Addendum

Information provided by Honduras in follow-up to the concluding observations*

[Date received: 14 December 2018]

* The present document is being issued without formal editing.



Introduction

1. The State of Honduras appeared before the Committee on the Elimination of Discrimination against Women to present its periodic report under the Convention on the Elimination of All Forms of Discrimination against Women. At its sixty-fifth session, held from 24 October to 18 November 2016, the Committee adopted its concluding observations and requested that the State of Honduras provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13 (a) and (d), and 29 (a) and (b).

2. In this regard, the State of Honduras, through its Ministry of Human Rights – the entity responsible for coordinating human rights reports – and in fulfilment of its international obligations, prepared the present follow-up report on the implementation of the recommendations made by the Committee.

3. The information set out in this document was provided by the competent State institutions that make up the Special Response Group on Human Rights, which also include the Committee on Women established under the Recommendation Monitoring System of Honduras.¹

4. Honduras reaffirms its willingness to abide by its international commitments and undertakes to submit its next periodic report.²

Follow-up report on the recommendations set out in paragraph 13 (a) and (d) and paragraph 29 (a) and (b)

5. The Committee, recalling its previous recommendation (CEDAW/C/HON/CO/6, para. 13) and its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party:

Subparagraph (a) Strengthen the judicial system, including through additional financial, technical and specialized human resources, with a view to handling cases in a timely, gender-sensitive, non-discriminatory and competent manner.

6. In connection with the recommendation contained in paragraph 13 of the Committee's concluding observations (2007),³ and paragraph 33 of general recommendation No. 33 (2015), on sustained legal outreach campaigns focused on women, the National Institute for Women published the document containing the recommendations of the Committee on the Elimination of Discrimination against Women, which is discussed with and distributed to public officials working on gender and human rights during capacity-building activities.⁴ In addition, a pocket-sized compilation of nine international human rights instruments, whose respective monitoring mechanisms Honduras reports to, was produced.

7. Similarly, in respect of paragraph 29 of general recommendation No. 33 (2015)⁵ on access to justice, as a result of the strategic alliance between the National Institute for Women, the organization *Ayuda en Acción* and the Judicial Academy, in 2018, the "Course on Gender and Human Rights" was held. The course covers instruments on women's human rights in its curriculum and highlights the Convention on the

¹ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018.

² PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. CEDAW/C/HND/CO/7-8, para. 59.

³ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. CEDAW/C/HON/CO/6, para. 13.

⁴ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. CEDAW/C/GC/33, para. 33.

⁵ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. CEDAW/C/GC/33, para. 29.

Elimination of All Forms of Discrimination against Women as the main convention in respect of women's human rights. The course is offered to judges, magistrates and prosecutors of the Public Prosecution Service. This course will be included as a specific module in the curriculum offered to the judiciary at the Francisco Salomón Jiménez Castro Judicial School on a continuous basis beginning in 2019. In 2018, 45 professionals were trained to address violence against women in the municipalities of Las Lajas, La Libertad, Sulaco and Victoria.

8. For its part, the Ministry of Human Rights launched the “Specialized Course on Human Rights for Public Servants”, which is aimed at Government workers who are part of the human rights focal point network of the Recommendation Monitoring System of Honduras. The objective of the course is to strengthen the capacities of Honduran State employees in the human rights protection system. The curriculum includes a specific module entitled “Women's rights and gender-based violence: International standards on women's rights, trafficking, violence against women and femicide”.

9. With regard to paragraph 39 (a) of general recommendation No. 33 (2015) on strengthening the judicial system,⁶ the General Provisions of the Budget of the Republic have, since 2015, included an allocation of resources to carry out activities aimed at reducing the gender gap and mainstreaming the second plan for gender equality and equity and the national plan against violence against women as part of the planning and budgeting for public management.⁷

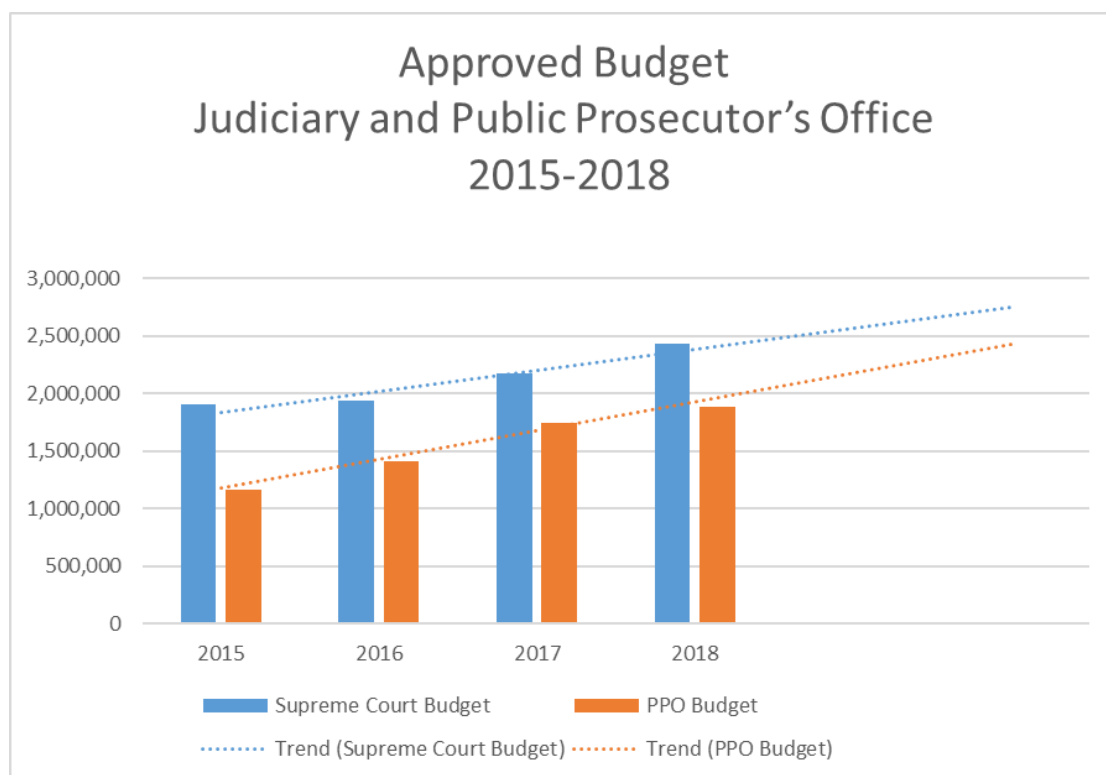
10. In addition, the mandate has been incorporated into the Budgetary Policy Guidelines since 2018. In order to monitor this mandate, the Gender Investment Index mechanism is applied annually in order to measure more precisely the percentages that institutions invest in women's issues and gender equity.

11. The budget of the judiciary and the Public Prosecution Service for the period 2015–2018 is detailed below:

⁶ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. CEDAW/C/GC/33, para. 39.

⁷ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. Article 9 of the General Provisions of the National Budget on Income and Expenses of 19 January 2018.

Figure 1



Source: General Provisions of the Income and Expenditure Budget of the Republic of Honduras.

12. The Public Prosecution Service created the Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers.⁸ The objective of the Office is to defend the public interest, and to recognize, promote and protect the rights of the public and those of any legal persons dedicated to defending and promoting human rights and freedom of expression who are at risk because of such activities.

13. The Special Prosecutor's Office has a dedicated section to receive complaints; a prosecution section for public employees, servants and officials; and a prosecution section for private individuals. For its part, the Ministry of Security assigned 10 officers from the Directorate on Police Investigation to strengthen the Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers and the Special Prosecutor's Office for Human Rights.

14. In addition, the number of prosecutors at the Special Prosecutor's Office for Human Rights has been increased. There are currently 17 prosecutors assigned to the city of Tegucigalpa; 5 prosecutors assigned to the city of San Pedro Sula; 2 prosecutors assigned to the city of La Ceiba; 1 prosecutor assigned to the city of Choluteca; and 1 prosecutor assigned to the city of Tocoa, bringing the total to 26 prosecutors nationwide.

15. Between October 2017 and March 2018, the following entities were created:
(a) the Unit on Trafficking in Persons, Commercial Sexual Exploitation and

⁸ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. Agreement No. FGR-002-2018 of 15 March 2018.

Smuggling of Persons;⁹ (b) the Santa Bárbara Regional Prosecutor's Office;¹⁰ (c) the Quimistan Local Prosecutor's Office;¹¹ (d) the Villanueva Local Prosecutor's Office;¹² and (e) the Bajo Aguán Regional Prosecutor's Office.¹³

Subparagraph (d): Ensure that women and girls have access to differentiated victim and witness assistance and protection programmes and promote the expansion and institutionalization of the comprehensive victim care model, currently only a pilot programme.

16. Regarding women and girls' access to differentiated victim and witness assistance, the strategic plan of the Public Prosecution Service includes an objective to ensure that witnesses and victims receive protection and care as a means of fostering a policy that promotes and facilitates their participation in proceedings through the effective provision of counselling, protection and support services. Improvements are also being made to the mechanisms and risk assessment tools used in the granting of protection measures.

17. Currently, working procedures are being implemented that will facilitate the identification of witnesses' and victims' particular needs from the outset of an investigation, with a view to providing them with effective guidance and support.

18. With regard to the expansion and institutionalization of the Specialized Comprehensive Care Units¹⁴ for women and girls, the State of Honduras reports that it has expanded its coverage by creating a total of 25 such Units, located in the cities of Tegucigalpa (5), La Ceiba, San Pedro Sula, Santa Bárbara, Choluteca, Comayagua, El Progreso, Santa Rosa de Copán, La Esperanza, La Paz, Danlí, Gracias Lempira, Tela, Siguatepeque, Márcala, Ocotepeque, Talanga, La Entrada, Juticalpa, Catacamas and Choloma.

19. From 2016 to December 2018, 15,870 complaints of harmful acts committed against women for gender-based reasons and against other vulnerable groups were received, of which 7,896 were domestic violence complaints and 7,974 were for other crimes. In respect of the total number of domestic violence complaints received, 3,939 security measures were imposed on the aggressors in order to ensure the physical and psychological safety of victims.

20. Assistance provided by the Units includes the referral of women and girls to safe places, such as shelters; transport is provided to victims and their children when a shelter is available in their community. In addition, an appropriate escort is provided when the victim must go to other institutions or internal offices for follow-up in order to encourage the victim to continue with the proceedings. To a large extent, the Units also seek to guarantee fundamental principles, such as the prevention of re-victimization, due diligence, and the application of a gender perspective to the assessment of cases, in order to guarantee access to justice for women victims of violence.

⁹ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. Agreement No. FGR-013-2017 of 16 October 2017.

¹⁰ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. Agreement No. FGR-03-2018 of 20 March 2018.

¹¹ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. Agreement No. FGR-04-2018 of 20 March 2018.

¹² PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. Agreement No. FGR-05-2018 of 20 March 2018.

¹³ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. Agreement No. FGR-06-2018 of 20 March 2018.

¹⁴ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. Agreement FGR-15-2015.

21. With regard to the institutionalization of the Units, it is important to note that the coordination mechanism of the Comprehensive Specialized Care Units, together with other sectors, participates in a Technical Operational Team consisting of various stakeholders from civil society and the State. Its mission is to identify the shortcomings, gaps and needs observed in service provision processes, in order to promote the implementation of measures or procedures necessary to correct these shortcomings, improve the quality of the response and strengthen inter-institutional coordination.

22. For its part, the National Institute for Women, through the Violence Against Women Response Units, located in the various *Ciudad Mujer* centres in Tegucigalpa, San Pedro Sula and Choloma, facilitates women's access to justice and provides comprehensive care in their communities through inter-institutional coordination.

23. Pursuant to the action lines set out in the Strategic Plan of the Public Prosecution Service, working groups have been established which offer the Special Prosecutor's Office for the Protection of Women in Tegucigalpa, regional and local prosecutors' offices, and other Government and civil society institutions opportunities to communicate in an open dialogue and exchange views and experiences regarding problems faced in proceedings for gender-related crimes.

24. Another important measure taken is the establishment of the Inter-Institutional Commission to Monitor Violent Deaths of Women and Femicides, which was formally established by the President of the Republic in August 2018.¹⁵ The Commission consists of representatives of: (1) the Public Prosecution Service, through the Technical Agency for Criminal Investigation and the Special Prosecutor for Crimes against Life; (2) the Ministry of Security; (3) the Ministry of Human Rights, Justice, Governance and Decentralization; (4) the National Institute for Women; (5) the National Human Rights Commission and, (6) women's organizations working on the issue of femicides in the country (three representatives).

25. Furthermore, the Protocol for Provision of Care for Victims and/or Survivors of Sexual Violence has also been drafted and is currently under review.

26. Lastly, a draft act has been submitted to the National Congress concerning shelters, which are intended to ensure the physical safety of women victims of violence and their children.

27. The Committee recommends that the State party:

Subparagraph (a) Adopt and apply, without delay, effective measures for the protection of women human rights defenders to enable them to freely undertake their important work without fear or threat of violence or harassment;

28. With regard to the measures adopted to protect human rights defenders, the Committee is hereby informed that, by means of the implementation of the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers, as of 30 September 2018, the Protection System General Directorate is responsible for a total of 52 measures on the protection of women, representing 33 per cent of the total of 158 individual protection measures. Those measures are classified as follows: 31 pertain to women human rights defenders; 12 to journalists; 3 to social communicators; and 6 to justice workers.¹⁶

¹⁵ PCM-028-2017 dated 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. Decree No. 106-2016 of 1 December 2016.

¹⁶ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. See <https://www.sedh.gob.hn/documentos4/265-casos-de-solicitudes-de-medidas-de-proteccion-junio-2018/file>, consulted on 15 November 2018.

29. The measures in place are as follows:

(a) Police measures: accompaniment as needed; patrolling of beneficiaries' homes and workplaces; police escort and police liaison; protective vests; temporary relocation;

(b) Infrastructure and technology measures: installation of security cameras with closed-circuit television in the home and workplace; installation of security doors and locks on access doors;

(c) Preventive measures: self-protection course; support for the investigation of reported incidents; calls to authorities; recognition of actions taken; training of local authorities on the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169);

(d) Other measures: psychological care; issuance of a card identifying the beneficiaries of the protection mechanism; stipend to cover fuel; minimum wage for the beneficiary to pay escorts or drivers; etc.

30. Another development is the public recognition of the important work done by women human rights defenders. The National Council for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers issued four public statements calling for recognition of and collaboration with their work. One of the statements, which was prepared jointly with the Office of the United Nations High Commissioner for Human Rights during the official visit of Special Rapporteur Michel Forst from 29 April to 12 May 2018, recognizes the work of women human rights defenders.¹⁷

31. Moreover, the Case Reception and Immediate Response Unit of the Protection System General Directorate uses the Immediate Action Assessment Study Form in order to evaluate the variables that factor into the petitioner's risks and vulnerabilities. The vulnerabilities analysed in the form include differential and gender-related factors such as: sex, sexual orientation, gender identity, indigenous and Afro-Honduran heritage, forced displacement and disability.

32. In addition, six workshops and focus groups were held with women's organizations to develop the Women-Centred Risk Analysis Methodology and its respective technical tool for objective risk assessment, with technical assistance provided by the organization Freedom House.

33. Furthermore, three training workshops were held for the staff of the Risk Analysis Unit on the use of this methodology and tool, and a workshop was held with the staff of the Case Reception and Immediate Response Unit, which produced a pilot test.

Subparagraph (b): Apply the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers and develop a protocol with a gender perspective for investigating, prosecuting and punishing attacks and other forms of abuse committed against women human rights defenders.

34. With regard to the implementation of the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers, as of 30 September 2018, 370 requests for protection measures have been processed, of which 206 are the responsibility of the Protection System General Directorate; of these, 158 are individual protection measures and 48 are collective protection measures, which are classified as follows:

¹⁷ PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 14 November 2018. See annex 1.

(a) 127 concern human rights defenders, including 86 individual protection measures and 41 collective protection measures;

(b) 32 concern journalists, including 29 individual protection measures and 3 collective protection measures;

(c) 27 concern social communicators, including 24 individual protection measures and 3 collective protection measures; and

(d) 20 concern justice workers, including 19 individual protection measures and 1 collective measure.

35. In addition, a total of 1,709 protection measures have been implemented by joint agreement among beneficiaries, their representatives and the Protection Mechanism Technical Committee. The protection measures include infrastructure and technology measures, the issuance of statements, training sessions, as well as strict security measures that guarantee the right to life and the integrity of defenders while allowing them to continue their work.

36. It is important to note that the 1,709 measures implemented with the agreement of the beneficiaries between April 2017 to 30 September 2018 include 441 police protection measures, representing 26 per cent of the total.

37. In 2018, the structure of the Prevention and Context Analysis Unit of the Protection System General Directorate was established; it will carry out focused analyses of risk, risk maps, context and patterns of aggression. To date, two context analysts are working in the Unit.

38. With regard to the development of manuals and protocols with a gender perspective for investigating, prosecuting and punishing attacks and other forms of abuse committed against women human rights defenders, the Public Prosecution Service has a general guide on the investigation of crimes, which includes within its guidelines crimes committed against the freedom of expression of women human rights defenders. As an advocate of the general public interest, the Public Prosecution Service Office aims to ensure that women human rights defenders can carry out their work.

39. Similarly, the Public Prosecution Service has prepared procedure manuals on crimes against freedom of expression for officials responsible for investigating and prosecuting such crimes, including police officers, prosecutors and judges.

40. For its part, the Ministry of Human Rights, with external cooperation and the active participation of human rights organizations, has developed one gender-sensitive risk assessment tool, and has carried out one pilot test of the tool to date. Use of the tool will facilitate the conduct of risk assessments for beneficiaries, applying the principles of equal treatment, non-discrimination and a differentiated approach, which are the foundation of the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers.

41. The Special Prosecutor's Office for Human Rights, together with the Technical Agency for Criminal Investigation and the Special Prosecutor for Crimes against Life, has initiated a process to develop a protocol on the investigation, prosecution and punishment of attacks against women human rights defenders.