



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Thirty-ninth session

23 July-10 August 2007

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Honduras

1. The Committee considered the combined fourth, fifth and sixth periodic report of Honduras (CEDAW/C/HON/6) at its 797th and 798th meetings, on 26 July 2007 (see CEDAW/C/SR.797 (A) and 798 (A)). The Committee's list of issues and questions is contained in CEDAW/C/HON/Q/6, and the responses of Honduras are contained in CEDAW/C/HON/Q/6/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its combined fourth, fifth and sixth periodic report, but regrets that it was significantly overdue, failed to incorporate sufficient statistical data disaggregated by sex and lacked references to the Committee's general recommendations.

3. The Committee commends the State party on its high-level delegation, headed by the Minister of the National Women's Institute, which is the national machinery for the advancement of women, and including the President of the Honduras Supreme Court and other representatives of the national judicial system, law enforcement mechanisms and gender-equality experts.

4. The Committee congratulates the State party on its written replies to the list of issues and questions raised by the pre-session working group and for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the real situation of women in Honduras.

#### Positive aspects

5. The Committee commends the State party for the establishment of (a) special courts on domestic violence in Tegucigalpa and San Pedro Sula, in 2007; (b) the National Women's Institute, as the national machinery for the advancement of women, in 1999; and (c) the Special Public Prosecutor's Office for Women, in 1994.



6. The Committee congratulates the State party on its (a) National Policy on Women, First National Equal Opportunities Plan (2002-2007); (b) policy on gender equality in agriculture, 1999-2015; and (c) law on domestic violence, 1997, with reforms made in 2006.

7. The Committee commends the State party for the appointment of 8 women as judges of the Supreme Court, out of a total 15 judges, and for the appointment of a female President of the Supreme Court.

8. The Committee welcomes the delegation's statement that the State party is completing the process of ratification of the Optional Protocol.

#### **Principal areas of concern and recommendations**

9. **While recalling the obligation of the State party to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the priority attention of the State party before the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the parliament so as to ensure their full implementation.**

10. While appreciating the efforts of the State party to provide gender-sensitivity training to legal professionals, the Committee is concerned that the provisions of the Convention and the general recommendations of the Committee are not sufficiently known, including by legal professionals and by women themselves, and therefore are not relied upon in the promotion of gender equality and the elimination of all forms of discrimination against women.

11. **The Committee calls upon the State party to intensify its efforts to raise awareness about the Convention and the general recommendations of the Committee, and to ensure that gender-sensitivity training programmes for legal professionals cover all rights and provisions of the Convention so as to firmly establish in the country a legal culture supportive of gender equality and the elimination of discrimination against women. The Committee further calls upon the State party to widely disseminate the Convention and its general recommendations among all stakeholders, including government ministries, parliamentarians, the judiciary, political parties, non-governmental organizations, the private sector and the general public, so as to encourage their effective use.**

12. While appreciating the establishment of the Office of the Special Prosecutor for Women, the Committee is concerned that women's ability to bring cases of discrimination before the courts is limited by factors such as poverty, lack of assistance in pursuing their rights, lack of information about their rights and attitudes of law enforcement and judicial officials that create obstacles for women seeking access to justice.

13. **The Committee recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural and indigenous women and women of African descent, on gender equality be undertaken to encourage**

and empower women to use available procedures and remedies relating to violations of their rights under the Convention. The Committee urges the State party to provide legal aid services for women, including rural and indigenous women and women of African descent, and to remove all impediments women may face in gaining access to justice, including costs related to filing and pursuing court cases and lengthy delays in legal proceedings. The Committee further urges the State party to make women aware of their right to file complaints against government officials who fail to apply the relevant laws for the benefit of women and to monitor the outcome of such complaints. The Committee encourages the State party to seek assistance from the international community in order to implement measures that will strengthen women's access to justice. The Committee requests the State party to provide information about women's access to justice, including the legal aid provided, in its next periodic report.

14. While appreciating the reform of the Penal Code in 2005 to revise some discriminatory provisions, and noting the State party's efforts to establish a gender unit within the judicial branch to review and revise discriminatory legislation, procedural codes and regulations, the Committee is concerned about the delay in the law reform process, especially since the State party assumed the obligation to remove such discriminatory provisions upon its ratification of the Convention without reservations over 24 years ago.

**15. The Committee calls upon the State party to give high priority to its law reform process and to modify or repeal, without delay and within a clear time frame, discriminatory legislation, procedural codes and regulations, including discriminatory provisions in the Family Law and the Labour Code. To this end, the Committee calls upon the State party to increase its efforts to sensitize the parliament as well as public opinion regarding the importance of accelerating legal reform aimed at achieving de jure equality for women and compliance with the Convention.**

16. While welcoming the establishment of the National Women's Institute, as the national machinery for the advancement of women, the Committee is concerned that the national machinery does not have the requisite power and authority or sufficient financial and human resources to effectively carry out its work. In this regard, the Committee notes that the national machinery receives only 0.001 per cent of the national budget and has only 50 staff members. The Committee is further concerned that the replacement of the staff of the national machinery with every change in Government has an adverse impact on the level of professionalism, expertise and necessary continuity in the work of the national machinery.

**17. The Committee urges the State party to strengthen the National Women's Institute by significantly increasing its human and financial resources and technical capacity so that it can effectively implement the tasks required by its mandate. It calls upon the State party to strengthen the national machinery so that it has the power and authority to enable it to influence governmental policymaking and further promote the use of the gender mainstreaming strategy by all ministries and levels of Government, and attention to gender-equality issues in all laws, policies and national action plans. The Committee also recommends that the State party ensure that changes in Government do not adversely impact the professionalism, expertise and continuity in the work**

**of the national machinery. The Committee urges the State party to evaluate the National Policy on Women, First National Equal Opportunities Plan (2002-2007) for its effectiveness and impact. The Committee also encourages the State party to establish a system to monitor implementation of the Convention.**

18. While appreciating the reforms to the Penal Code relating to sexual violence and abuse of 2005, and the reforms to the Law on Domestic Violence of 2006, the Committee continues to be concerned about the prevalence of many forms of violence against women, including sexual abuse against women and girls, particularly incestuous abuse of girls, as well as rape, domestic violence and femicide. The Committee is concerned that the effective implementation of plans and functioning of mechanisms to eliminate violence against women — such as the National Plan to Prevent, Punish and Eradicate Violence against Women (2006-2010), the proposed unit in the Public Prosecutor's Office to deal with violent crimes against women and specialized domestic violence courts in Tegucigalpa and San Pedro Sula — is hindered by insufficient allocation of resources. While appreciating the efforts of the State party to provide gender-sensitivity training for law enforcement and judicial officials, the Committee continues to be concerned about the negative attitudes of police and magistrates responsible for enforcing the law and applying protection mechanisms for the benefit of women victims of violence, which result in the continuation of impunity for crimes of violence against women. In this regard, the Committee is concerned that only 2.55 per cent of all complaints of domestic violence filed with the police in 2006 have been resolved. The Committee is further concerned that Honduran women may be compelled to migrate because of violence against women.

**19. In accordance with general recommendation 19, the Committee calls upon the State party to ensure that all forms of violence against women are criminalized; that women and girls who are victims of violence have access to immediate means of redress and protection; and that perpetrators are prosecuted and punished. The Committee urges the State party to allocate sufficient resources for the effective functioning of plans and mechanisms, including the National Plan to Prevent, Punish and Eradicate Violence against Women and the specialized domestic violence courts, to address all forms of violence against women and girls. The Committee further urges the State party to monitor the application, by law enforcement and judicial officials, of relevant legal measures for the benefit of women victims of violence and ensure that officials who fail to properly apply such measures are appropriately sanctioned. The Committee requests the State party to provide information, in its next periodic report, on the resources, both human and financial, allocated to plans and mechanisms aimed at eliminating violence against women, and the impact of such measures.**

20. While noting that the State party revised its Penal Code in 2006 to add provisions on trafficking and commercial sexual exploitation, the Committee is concerned about the persistence of trafficking and the exploitation of prostitution, including a lack of measures for the rehabilitation of victims of trafficking and exploitation.

**21. The Committee calls upon the State party to fully implement article 6 of the Convention, including by speedily enacting specific and comprehensive national legislation on the phenomenon of trafficking (internal and cross-**

border) that ensures that offenders are punished and victims adequately protected and assisted. It calls upon the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Committee further calls upon the State party to increase its efforts for international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It recommends that the State party take measures for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. The Committee further calls on the State party to take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the male demand for prostitution.

22. The Committee is concerned about the continuing low degree of representation of women in all areas of public and political life. While appreciating the establishment of a 30 per cent minimum quota for women candidates for publicly elected positions in article 105 of the Law on Elections and Political Organizations, the Committee is concerned about the lack of measures to enforce compliance with this quota, evidenced by the fact that the 2006 elections resulted in women holding less than 30 per cent of positions in all categories of elected office (24 per cent of deputies and 21 per cent of alternates in the National Congress, 8 per cent of mayors, 7 per cent of deputy mayors and 18 per cent of municipal councillors). The Committee is further concerned that the State party considers that the minimum quota established in article 105 contradicts article 104 of the same law, which guarantees non-discrimination.

23. **The Committee calls upon the State party to create a general legal basis for the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. It encourages the State party to take sustained measures, including temporary special measures, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life. The Committee urges the State party to enforce the application of the 30 per cent minimum quota in article 105 of the Law on Elections and Political Organizations. It also recommends that the State party conduct training programmes on leadership and negotiation skills for current and future women leaders. It further urges the State party to undertake awareness-raising about the importance of women's full and equal participation in decision-making in all areas for society as a whole.**

24. The Committee is concerned about the high rate of teenage pregnancy and its implications for the health and education of girls. The Committee is concerned that efforts to provide sex education in schools, developed by the Ministry of Education, are being impeded by conservative government actors. The Committee is also concerned that abortion is criminalized in all circumstances, including when a pregnancy threatens a woman's life or health and when it is a result of rape or incest. The Committee is concerned about the high HIV/AIDS infection rates in women and the fact that HIV/AIDS programmes and policies are not specifically

targeted at women, with the exception of prostitutes and pregnant women, and do not address the needs of women of ethnic minorities.

**25. The Committee urges the State party to step up the provision of family-planning information and services to women and girls, in particular regarding reproductive health and affordable contraceptive methods, and to widely implement sex education targeted at girls and boys, with special attention to the prevention of teenage pregnancy. The Committee calls on the State party to guarantee that its public policies and decisions are in accordance with its Constitution, which establishes it as a secular State. The Committee recommends that the State party consider reviewing the law relating to abortion with a view to identifying circumstances under which abortion could be permitted, such as therapeutic abortions and abortions in cases of pregnancies resulting from rape or incest, and removing punitive provisions imposed on women who undergo abortion, in line with the Committee's general recommendation 24, on women and health, and the Beijing Declaration and Platform for Action. The Committee also urges the State party to provide women with access to quality services for the management of complications arising from unsafe abortions and to reduce women's maternal mortality rates. The Committee recommends that the State party include a gender perspective in its HIV/AIDS programmes and policies and ensure that such programmes and policies address the needs of women from ethnic minorities.**

26. While appreciating the efforts of the State party to incorporate a gender-equality approach in the Basic National Curriculum and to work with a range of educational institutions to remove stereotyped images of women and men from curricula, the Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. Such stereotypes present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in all areas, including in the labour market and in political and public life.

**27. The Committee urges the State party to address stereotypical attitudes towards the roles and responsibilities of women and men, including cultural patterns and norms that perpetuate direct and indirect discrimination against women and girls in all areas of their lives. It calls upon the State party to implement and monitor comprehensive measures to bring about change in the widely accepted stereotypical roles of men and women. Such measures should include awareness-raising and educational campaigns addressing women and men and girls and boys, of all religious affiliations, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention.**

28. The Committee is concerned about the continuing discrimination against women in the labour market, where there is occupational segregation and a persistent wage gap between men and women. It is concerned about the concentration of women in the informal sector and in domestic work with no social security or other benefits provided under the Labour Code. The Committee is also concerned about the existence of child labour, in particular the exploitation and abuse of girls working in domestic service, and the exploitation of the predominantly female workers in the maquiladoras.

29. **The Committee recommends that the State party adopt policies and concrete measures to eliminate both horizontal and vertical occupational segregation, accelerate the eradication of pay discrimination against women and ensure de facto equal opportunities for women and men in the labour market. It also encourages the State party to ensure that women in the informal sector and domestic work are not exploited and are provided social security and other benefits. The Committee calls upon the State party to enact and effectively enforce laws against child labour and ensure that girls working in domestic service and in other jobs in both the formal and informal sector are not exploited or abused. The Committee recommends that the State party strengthen labour inspectorates to monitor compliance with the Labour Code, especially in the maquiladoras, and to ensure that penalties are imposed for violations.**

30. The Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention and disaggregated by other factors such as age, ethnicity and rural and urban areas. The Committee is also concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

31. **The Committee calls upon the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex, age, ethnicity and rural and urban areas, indicating the impact of measures taken and the results achieved in the practical realization of women's substantive equality.**

32. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

33. **The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to consult with non-governmental organizations during, the preparation of its next report. It encourages the State party to involve the parliament in a discussion of the report before its submission to the Committee.**

34. **The Committee urges the State party to utilize fully, in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

35. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

36. The Committee commends the State party for having ratified the seven major international human rights instruments.<sup>1</sup> It notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

37. The Committee requests the wide dissemination in Honduras of the present concluding comments in order to make the people of Honduras, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, the Optional Protocol thereto, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

38. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in April 2008, and its eighth periodic report, due in April 2012, in a combined report in April 2012.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.