

against Women

Thirty-ninth session

Summary record of the 797th meeting (Chamber A)

Held at Headquarters, New York, on Thursday, 26 July 2007, at 10 a.m.

Chairperson: Ms. Simms (Vice-Chairperson)

Later: Ms. Gaspard (Vice-Chairperson)

Later: Ms. Simms (Vice-Chairperson)

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth, fifth and sixth periodic report of Honduras

In the absence of Ms. Šimonović, Ms. Simms, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth, fifth and sixth periodic report of Honduras (CEDAW/C/HON/6; CEDAW/C/HON/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Honduras took places at the Committee table.*

2. **Ms. Estrada** (Honduras), introducing the combined fourth, fifth and sixth periodic report of Honduras (CEDAW/C/HON/6), which had been prepared by a team of consultants working with various State institutions, including the National Women's Institute (INAM), said that, for the first time in her country's history, the President of the Supreme Court of Justice and 8 of its 15 judges were women.

3. While her Government was not as effective as it should be in the area of data collection, it was working to remedy that situation. It had established the System of Social Indicators for Children, Youth and Women (SISNAM), which was aimed at monitoring progress towards the Millennium Development Goals, and a statistical system was in place at the Supreme Court of Justice to ensure follow-up on all complaints of domestic violence.

4. The Institute had been working with others to train judges and promote awareness of the provisions of the Convention, the aim being to achieve non-discrimination and equality for women. The Supreme Court was reviewing all laws that contained discriminatory provisions and working on the definition of the crime of femicide, which was on the rise in Central America. Once finalized, that definition would be submitted to the National Congress for approval.

5. As a result of the reforms of the Law on Domestic Violence, Honduras' family and domestic violence courts had been combined in an effort to better meet the needs of Honduran women. Under the new system, the Supreme Court assumed financial responsibility for summoning the aggressor and paying any related costs in such cases. The Government did not want to rely on United Nations statistics on domestic violence and planned to produce statistics of its own.

6. On the institutionalization of gender mainstreaming, she said that, since its incorporation into the Government's social cabinet, the Institute was in a better position to demand gender mainstreaming and ask cooperating agencies for financial support. It was essential that part of the national budget be earmarked for gender issues and that indicators be drawn up so that INAM could monitor the impact of its projects on women's lives. The Institute was also seeking support for women through Honduras' poverty reduction strategy. Forty per cent of the poverty reduction budget went directly to local communities; some of those resources must be allocated to projects targeting women. The Institute was working to raise awareness among mayors and municipal councillors in that regard.

7. The National Policy on Women, with its five priority areas, had enabled INAM to create a space for action and, through decentralization, empower municipal women's offices and educate local officials about their need to include a gender focus in local projects and to use funds properly.

8. With regard to cultural patterns, while acknowledging that certain negative attitudes still existed, she said that her Institute was working to change them. To that end, it sought to build a good relationship with women's associations, as their work went hand in hand. Civil society organizations also played a key role in putting pressure on the Government.

9. In order for the media to be an effective channel for overcoming taboos, it was necessary to educate the people working in the media; a team had been set up to that end. It was also important to work at the community level in order to ensure that the message

filtered down. Women's groups were very active at the local level and were assisting INAM in its current assessment of the National Policy on Women and the First Equal Opportunities Plan, 2002-2007.

10. Given the existence of gender stereotypes, particularly in indigenous communities, the Institute was seeking to incorporate a gender approach in preprimary, primary and secondary school curricula in order to teach children that women had a right to be respected. It was through such respect that gender equality would be achieved. The Institute was also working to change attitudes among teachers and, through the commission for non-formal alternative education, to educate people about gender issues in the remotest parts of the country.

11. On the issue of youth and adult illiteracy, INAM was currently implementing the "Yes I Can" ("Yo sí puedo") project in over 50 municipalities. Over 700 of the project's 1,000 beneficiaries thus far had been women. The project, which taught participants to read and write in three months, enjoyed the full support of the Ministry of Education.

12. The Institute was working with various State institutions on the issue of sexual and reproductive health. Policies had been developed in order to meet goals 3 and 6 of the Millennium Development Goals, on gender equality and empowerment of women, and HIV/AIDS, respectively. Consensus had also been reached at the National AIDS Commission (CONASIDA), which comprised 14 institutions, including the Catholic and Protestant churches. In addition, the President of the Republic had ordered antiretroviral drugs to be purchased and the First Lady had established a coalition of first ladies of Latin America, which offered support to women living with HIV/AIDS and promoted implementation of the HIV/AIDS Law. Honduras was currently witnessing a feminization of HIV/AIDS. The fact that even married women were becoming infected demonstrated the importance of educating men and changing their macho attitudes.

13. Another key tool in the fight against HIV/AIDS was sex education — a delicate issue in Honduras. Nonetheless, a parliamentary commission had been appointed to conduct a survey on the subject and a major effort was therefore under way to promote sex education.

14. With regard to empowerment, she said that only 7 per cent of the members of the previous National Congress had been women. Following the 2005 elections, that figure had risen dramatically and, for the first time ever, the National Congress had a female Vice-President. Honduras had, therefore, made huge progress. Men must be made to understand that equal participation was a right, which Honduran women were determined to see fulfilled.

15. Finally, with regard to the ratification of the Optional Protocol to the Convention, she said that the necessary document had been approved by the Ministry of Foreign Affairs. It would now be submitted to the Supreme Court and, finally, the National Congress. The process was, therefore, well under way.

Articles 1 to 6

16. **Ms. Patten** welcomed the news that the Optional Protocol would soon be ratified, but wished to know the State party's position regarding the amendment to article 20, paragraph 1, of the Convention.

17. While considerable progress had been made, she was not convinced that there had been a significant impact on the lives of Honduran women. Other treaty bodies had criticized the Honduran system of administration of justice for being unresponsive, slow and gender insensitive. Moreover, she noted (responses, question 3) that, while the Office of the Special Public Prosecutor for Women regularly invoked certain articles of the Convention, there had been no judicial pronouncements on the Convention to date. The judiciary would clearly benefit from intensive training, including on the Convention.

18. She would appreciate more information about measures to improve women's access to justice and the legal aid system, in particular eligibility criteria. The State party might wish to consider including data on the number of women receiving legal aid in its next report.

19. Lastly, on the issue of violence against women, she said that it had come to the Committee's attention that police officers did not always apply protection mechanisms in urgent cases and that the courts often interpreted "conciliation" as "reconciliation". Where violence against women was concerned, reconciliation was precisely what should not be promoted. Other treaty bodies had pointed to a lack of training among the police and other law enforcement officials. In that regard, she would be interested to know how many police officers had received training; what form such training took; and who provided such training.

20. Finally, she asked whether the Committee's concluding comments would be submitted to the National Congress. She very much hoped that they would, as experience had shown that such action greatly facilitated their implementation.

21. **Ms. Neubauer** asked whether the National Women's Institute had a specific mandate to ensure gender mainstreaming, gender equality policies and full compliance with the Convention. She also wondered whether there were any mechanisms to coordinate gender mainstreaming at the interdepartmental level and whether the Institute's efforts to lobby for a budget increase had been successful. Finally, she would be interested to know who was responsible for monitoring the implementation of the Law on Equal Opportunities for Women, the National Policy on Women and the First Equal Opportunities Plan (2002-2007).

22. **Ms. Gaspard** observed that, although Honduras had ratified the Convention 24 years earlier, that was only the second time it had submitted a report. She wondered what had caused the long delay.

23. Noting that gender equality mechanisms often did not possess sufficient power to influence the policies and decisions of other ministries, she wondered what position the Institute held within the administrative hierarchy. She also stressed that it was important to establish local gender equality mechanisms to ensure implementation of national laws pertaining to gender discrimination and inequality. Finally, it would be interesting to know whether the Office of the National Human Rights Commissioner had any staff who

dealt specifically with complaints filed by women.

24. She observed that the Government appeared to have misunderstood article 4, paragraph 1 of the Convention; said article authorized the State to adopt temporary special measures to accelerate de facto equality between men and women in all sectors.

25. **Ms. Begum** noted that female participation in political and public life, education and employment remained unacceptably low. Although the law set a 30 per cent minimum quota for women in elected positions, statistics showed that female representation at all levels fell significantly short. The Government needed to establish concrete goals and timetables to accelerate equality between men and women and a legislative basis for the adoption of temporary special measures.

26. **Ms. Shin** said that she was very pleased to learn that 8 of the 15 Supreme Court judges were women. However, she was alarmed at the high number of domestic violence cases and wondered how many of those cases had actually reached the Supreme Court. Pursuant to the amended Law on Domestic Violence, judges were responsible for monitoring the enforcement of protection measures. She wondered whether they were in fact doing so and stressed the importance of monitoring police procedures in particular.

27. **Ms. Chutikul** noted that, according to certain sources, the staff of the National Women's Institute was usually replaced following a change in government. She wondered whether that was the practice in all government departments. It was also shocking to see how little of the national budget was allocated to the Institute. Finally, she urged the Government to address the issue of coordination between ministries.

28. **The Chairperson**, speaking as a member of the Committee, expressed disappointment that under Honduran legislation women who were trafficked into prostitution were subject to punishment but the traffickers were not. According to the relevant international legal instrument, States parties should punish the perpetrators of trafficking, not the victims.

29. **Ms. Pimentel** noted that there was a high level of impunity in cases of violence against women and that perpetrators of sexual crimes in particular, often remained unpunished. She drew attention to general recommendation 25, which stated that States parties to the Convention were under a legal obligation to ensure that there was no direct or indirect discrimination against women in their laws.

30. **Ms. Morales** (Honduras) said that the advances that were being made in the legislation were the result of very close cooperation among the various components of the judicial system: police, public prosecutors and judges. While little reference had been made in the courts to the international treaties and conventions to which the country was a party, that situation was improving. A further improvement was a growing understanding about domestic violence, and in particular a growing realization among women of what resources they had to act against it.

31. Protection measures were imposed in cases of domestic violence, and the law had been changed so that an appeal against such a measure could not have the effect of suspending it. Furthermore, the enforcement judges, a newly created position, would have the responsibility for monitoring the correct application of protection measures. While it was true that, in the past, the courts had attempted to bring about reconciliation in marital disputes, but that was becoming less frequent.

32. **Ms. Cortez** (Honduras) referring to the question about the attitude of some police officers, said that all members of the police force had received training on how to deal with domestic and gender violence. The training manuals were currently being updated pursuant to the amended Law on Domestic Violence. If a police officer did not respond appropriately to a complaint of domestic violence, a complaint could be lodged against the officer, regardless of his or her rank. The complaint would be investigated by an internal affairs department, and appropriate penalties would be applied.

33. With respect to the suggestion that protection measures were not always applied, she said that there was ongoing training of police personnel in such matters. A uniform guideline on the application of protection measures in cases of domestic violence was being published, and would be distributed to all police departments.

34. Offices dealing specifically with women's issues had been established in a few cities, and there were plans to have such offices throughout the country, and to have them staffed with specially trained personnel.

35. **Ms. Estrada** (Honduras) agreed with Ms. Chutikul that the National Women's Institute's budget was lamentably small but said that it sought to make progress by finding alliances and partnerships. The Institute was now in a position to ensure that gender concerns were included in all government matters, including the poverty reduction strategy. It was also working on a study of how women used their time, seeking a way to place a value on the work that women did in the home.

36. The Institute had proposed that the rules pertaining to marital property be amended so as to recognize joint ownership of assets. At present, if a woman left her husband and divorce resulted, the property became his; thus many women were forced to remain in abusive marriages. Paradoxically joint ownership of property was recognized within common law unions, provided they had persisted for three years.

37. **Ms. Shin** asked whether women were aware that they could lodge a complaint against a police officer who was not being responsive to their situation. She also asked about the situation of women working within the police force or the prosecutor's office, on cases such as rape or domestic violence. It had been her experience in various countries that while such women were very dedicated and hard-working, they were usually not respected, and were passed over for promotion. Finally she asked whether the specialized courts on domestic violence were to be staffed by professional judges who were conversant with the nature of domestic violence.

38. **Ms. Pimentel** asked about the implied consent of rape victims being deduced from forensic examinations.

39. **Ms. Morales** (Honduras) replied that the issue of rape and consent had been the subject of much discussion, and police and

judicial staff were being trained to ensure that they used forensic evidence appropriately. With the help of civil society organizations, criminal legislation was being amended and attitudes were gradually changing. In addition, efforts were being made to standardize the assessment and use of evidence in such cases. The outcomes of those efforts, including relevant statistics, would be presented in the next report.

Articles 7 to 9

40.**Ms. Neubauer**, noting that the Law on Elections and Political Organizations required political parties to report on their compliance with gender equity policy six months before internal and primary elections, asked whether such a reporting exercise had taken place yet and, if so, how well the parties had been found to be complying with the requirement. She also wished to know whether any penalties were in place for non-compliance.

41. Noting that the latest figures in the report showed a drop in the number of female heads of Government ministries and female diplomatic personnel serving abroad, and no significant change in the number of female governors of departments, she asked whether any measures were being taken to promote the participation of women in public life, including at the international level. She encouraged the State party to provide more accurate data in its next report on the participation of women in the State administration at all levels, particularly in decision-making positions.

42. *Ms. Gaspard, Vice-Chairperson, took the Chair.*

43. **The Chairperson**, speaking as a member of the Committee, commended the recent increase in the number of women elected to the National Congress and asked whether penalties were imposed on political parties that did not achieve the quota for the required number of women candidates. Given that the number of female mayors had fallen slightly in the most recent municipal elections, she asked whether the quota would be applied in the next municipal elections. In most countries, quotas for the number of women elected to national parliaments were set at below 50 per cent and often functioned as a “ceiling”, stalling women’s progress once a particular figure, such as 30 per cent, had been reached. It was important to keep raising the target figure in order to maintain progress towards full equality.

44. **Ms. Urbina** (Honduras), referring to a previous question on trafficking and sexual exploitation, said that it was difficult to quantify the extent of the problem, since many cases did not come to the attention of the authorities. It was recognized to be a serious problem. Investigations were carried out in response to complaints; however, it was often difficult to catch the perpetrators because they were adept at changing their modus operandi and therefore few arrests were made. The police and prosecution services were striving to adapt their methods of investigation. However, more financial and human resources were needed. Victims of trafficking and sexual exploitation were now recognized as such, rather than being punished, and efforts were being made to ensure that that principle was applied at all stages of the criminal justice system. A new national plan of action against commercial sexual exploitation had also been launched. Further legal reforms had been introduced to deal with problems such as child pornography.

45. NGOs played an active role in providing protection, shelter and psychological counselling to victims of trafficking and exploitation. Judges and police officers received ongoing training, and campaigns were being conducted to raise awareness of how the perpetrators operated, so that potential victims, including children, were alert to the dangers.

46. *Ms. Simms, Vice-Chairperson, resumed the Chair.*

47. **Ms. Estrada** (Honduras) said that the Equal Opportunities Law of 2000 had introduced a quota of 30 per cent for the number of women in elected office, which had been reaffirmed by the 2004 Law on Elections and Political Organizations. However, no enabling legislation had been enacted, and the target had not been reached in the most recent elections. In addition, not all of the country’s political parties had met the quotas set for the number of female candidates.

48. With regard to the question of political parties’ obligation to report on their compliance with gender equity policy, she said that the parties had submitted their plans in that regard but had not yet implemented them. One party had adopted a quota of 50 per cent for the number of women candidates and would be conducting training to raise awareness of the need to promote gender equality. Another party had a strong women’s coalition, which would soon be receiving a small budget from the Government. There were currently eight female Government ministers, and women also held other key positions. Work was under way to assess the reasons for the failure to reach the 30 per cent quota at the last elections. It was hoped that, by the time Honduras next reported to the Committee, the participation of women in political life would be close to 50 per cent.

The meeting rose at 12.55 p.m.