



**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

Summary record of the 798th meeting (Chamber A)

Held at Headquarters, New York, on Thursday, 26 July 2007, at 3 p.m.

Chairperson: Ms. Simms (Vice-Chairperson)

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

The meeting was called to order at 3.05 p.m.

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

Combined fourth, fifth and sixth periodic reports of Honduras (CEDAW/C/HON/4-6, 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.*

Articles 10 to 14

2. **Ms. Patten** noted with concern the lack of information on women working in the informal sector. Globalization and the neo-liberal economic policies being implemented in Central America had created job opportunities not only in the formal sector, but also in the informal sector, where women suffered from unstable working conditions and were excluded from social security schemes. She requested information on the policies that the Government was implementing to ensure protection and improve working conditions for the different categories of women workers in that sector. She also urged the Government to collect data so that it would be better able to assess the situation and design effective policies in that regard.

3. The Committee was concerned about the disturbing reports received on the conditions of women working in the *maquila* industries, where they were subject to unfair practices such as pregnancy tests, dismissal for refusing to work weekends, and low wages. The situation was particularly bad in the textiles industry, where women workers were set production targets that meant working very long hours without being paid overtime and the fixed salaries of \$4.50 per day violated the principle of equal pay for equal work. *Maquila* enterprises were apparently closing down and relocating without honouring their legal obligations towards their women workers, who did not report violations for fear of reprisal.

4. She would like to know whether the situation was being properly investigated by the Government, what measures it was taking to safeguard rights, and how many violations had been detected by the Labour Inspectorate. Lastly, information was requested on

whether the Government was considering amending section 44 of the Honduran Equal Opportunities Law to reflect the principle of equal pay for jobs of different nature but equal value in accordance with the ILO Equal Remuneration Convention (Convention No. 100) and article 11, paragraph 1 (d), of the Convention under discussion.

5. **Ms. Maiolo** asked what concrete measures the Government was taking to expedite the elimination of child labour.

6. **Ms. Shin** asked why the Ministry of Health was not represented on the delegation when some of the priority issues facing young women in Honduras, namely teenage pregnancy, AIDS and unsafe abortions, were health issues. She wanted to know whether those issues were being raised at Cabinet meetings and what the Minister of Health's position was. Women were dying and a solution had to be found.

7. Official Government policy was for sex education to be provided in schools, but teachers were not being allowed to use sex education guides. The Roman Catholic Church was highly influential in Central America, but even within the Church there must be people with a more open attitude towards those issues. Abortion was prohibited in Honduras even in cases of rape and incest and when the pregnancy endangered the woman's life, which forced women to risk unsafe abortions and possibly die as a result. That was criminal, and efforts must be made to galvanize momentum for change.

8. **Ms. Pimentel** asked if any schools at all were providing sex education and whether any teachers were prepared to provide sex education, even in the form of informal discussions. She inquired as to what extent religious prejudices were affecting the application of article 151 of the Honduran Constitution, which stipulated that public education must be secular and based on the principles of democracy.

9. **Ms. Chutikul** asked whether the penal reform of February 2006 concerning sexual commercial exploitation dealt comprehensively with human trafficking or if it would be better to have separate legislation on that matter. She also asked if Honduras had ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons (the Palermo Protocol). The Office of the High Commissioner for Human Rights had published recommendations on how to approach all aspects of human trafficking from a

human rights perspective, which, together with other research, could serve as a starting point for developing a plan of action.

10. **Ms. Begum**, referring to page 57 of the report regarding the significant contribution of Honduran women to agricultural output, asked whether women in agriculture were treated equally to men in terms of wages, earnings, land tenure, and access to credit and supplies. Information was requested on the percentage of women using farm machinery, whether there was a gender-based rural development programme to provide health care and education and whether there were any schemes to empower rural women by fostering their employment in non-traditional sectors and their participation in decision-making structures. She asked if there was a microcredit scheme to help rural women become economically independent and set up their own microenterprises and whether any marketing mechanisms had been established to ensure that women obtained their proper share of profits as primary producers. Lastly, information was also requested on the financial and medical support provided to old and disabled women in rural areas and on development plans for indigenous women in the country.

11. **The Chairperson**, speaking in her capacity as a Committee member, noted that, although many women had made significant progress in the education system and even broken the glass ceiling, according to the report, illiteracy rates were tragically high in certain communities and 30 per cent of school-age children in black and indigenous communities, which were among the country's poorest, were not attending school. She urged the Government to adopt proactive temporary special measures to right the historical wrongs done to those marginalized groups. The intersection of sexism and racism in Latin America and parts of the Caribbean would have to be examined because peace would be impossible without an end to such inequalities.

12. The Committee wished to know whether the environment was being protected and whether rural women were benefiting and receiving fair treatment in the ongoing development of the forestry industry that was being undertaken by the Government and foreign multinationals. The conditions were not optimum for women to attain freedom and equal rights, but the Government had a responsibility towards all its citizens, including its black and indigenous communities.

13. **Ms. Iriás** (Honduras) said that women were making a huge contribution to the informal economy but that had not translated into greater benefits for them. Several initiatives were under way to improve the situation, however: domestic workers were now eligible for social security benefits; the Ministry of Labour's dignified work policy was pursuing gender equity and addressing the situation of women working in the informal sector; an inter-institutional board of micro- and small-enterprise associations, civil society organizations and Government entities was working to implement projects to support women in the informal sector; and a regional initiative was examining the impact of the Free Trade Agreement (DR-CAFTA) and women's access to microcredit, as well as making efforts to improve labour practices. Thus, there was a significant drive to have women recognized as contributors rather than as a vulnerable sector of the Honduran economy.

14. **Ms. Estrada** (Honduras) said that one of the initiatives promoted by the President of Honduras was to channel loans to women in the informal economy through non-banking institutions, such as cooperatives and savings and loans schemes, in order to ensure that they had access to housing. The *Organización de Desarrollo Empresarial Femenino* (Women's Business Development Organization), which had 16 branches around the country, had already granted 17,000 loans to women. Prior to receiving a loan, the women were given training in farming techniques, business management and marketing, as well as self-esteem workshops and assistance in finding markets.

15. The National Women's Institute (INAM) was constantly working to ensure that the principle of equality was incorporated into all Government projects and to raise awareness among campesino organizations of the valuable contribution made by women. Property law in Honduras now established that land titles had to be issued in the name of the wife as well as the husband. In the past, land titles had been awarded only in the name of men. Even recently, a programme funded by the World Bank to examine land registration issues had detected that, at the municipal level, registrars invariably failed to ask whether a man had a spouse and, consequently, titles were still being issued only in the man's name.

16. In practice, there was considerable discrimination and inequality in Honduras. Male farmers made 25 lempiras for every 15 lempiras female farmers made

from the same activity, mainly due to the old-fashioned attitude that men should be paid more because they had families to support. Statistics showed, however, that men spent 46 per cent of their income on household expenses and the remainder on alcohol or other male pursuits. Women workers, on the other hand, used 95 per cent of their earnings to cover household expenses and only 5 per cent on personal needs. Similar trends had been observed in rural loan programmes in which 70 per cent of women loan recipients would almost rather go hungry than miss a loan payment, while men tended to default on the loan and lose their credit because they spent the money on drinking and other vices.

17. The national forestry department, CODEFOR, had a gender expert on its staff and worked with the National Women's Institute (INAM) to ensure that the gender dimension was taken into account in plans for forest exploitation and environmental protection. Projects within the Ministry of Agriculture, including a \$15 million joint project with FAO on eradication of hunger, included a gender perspective and used gender as an indicator of project impact.

18. **Mr. Solis** (Honduras), speaking as a representative of the private sector and on behalf of the Honduran Association of the *Maquila* Industry, said that his Association shared the views of the Committee on the social responsibility of business. The *maquila* sector in Honduras employed 130,000 people, 69 per cent of whom were women. There was no policy to hire a majority of women, but the industry had simply developed that way because women heads of households had sought work to support their families. Working conditions in those companies were the most modern in Latin America. Facilities were air conditioned, including the production floors, with lighting controlled according to standards set by the national occupational safety and health body. Workers were provided with all the tools necessary for their work, subsidized cafeterias, health clinics, free round-trip transportation and training in job and other skills to increase productivity.

19. Their wages were the highest in the economy, averaging \$4,921 per year, as compared to an average of \$903 in other sectors; in Central America they ranked second only to those in Costa Rica. Managers received training in dealing fairly and appropriately with workers, and reports of maltreatment were investigated and punished, including by dismissal. All

labour laws were observed, and inspections were conducted by international labour unions to ensure that companies met strict international standards. If violations were found, a warning would be issued, and if the problem was not corrected a company could be shut down. His Association fully supported such action, which had achieved good results by creating a climate of compliance in the industry.

20. The workers were the industry's greatest asset, and businesses would not prosper with workers who were poorly paid and mistreated. The industry needed more workers and did not encourage them to resign, which would not make sense, since it had invested in their training. He pledged that the industry would continue to cooperate to the fullest extent possible with INAM and would review the situation to see if further improvements could be made.

21. **Ms. Estrada** (Honduras) confirmed that a meeting had been scheduled among INAM, women's organizations and industry leaders to review workers' rights.

22. **Ms. Urbina** (Honduras), referring to questions regarding trafficking posed at the previous meeting, said that the reform of the Criminal Code had introduced penalties for commercial sexual exploitation, among other forms of trafficking. Trafficking had been made a specific offence, and was no longer grouped under sex crimes. Honduras was party to the United Nations Convention against Transnational Organized Crime and had acceded to its Palermo Protocol, although its ratification was still pending in the Supreme Court. In any case, domestic legislation incorporated its provisions, and the guidelines on trafficking had been used in drawing up a plan of action. Updated methods were needed in the investigation of trafficking cases. Mapping of the routes that traffickers used in order to gain a better idea of how they moved through the country had revealed that the routes used in the trafficking of persons were the same ones used for weapons and drugs. The Committee could support those efforts by recommending more research in that area in its concluding comments.

23. **Ms. Estrada** (Honduras) said that she shared the concerns expressed regarding early pregnancy, and decried the barrage of sexual images that young children were exposed to through television and other media in her country. She acknowledged the religious

dimension to the controversies surrounding sex education, which sometimes led to the creation of a double standard. Although Honduras was a secular State with separation of church and state under the Constitution, the Church still exerted enormous influence. The recent controversy had not been based on objections by religious groups to sex education in itself, but to the explicit teachers' manuals that had been issued.

24. The National Women's Institute was working to build an understanding that accurate information was important for the health of women and girls, and that such information would actually help to protect them. During the controversy, INAM had held an emergency meeting with the Ministry of Education and women's organizations to plan a counter-strategy, which had resulted in the establishment of a congressional commission. The law on HIV/AIDS provided for AIDS education and had given the Ministry of Education jurisdiction over such programmes, thereby defining the areas where the legislative branch could not infringe on the work of the executive branch. With regard to abortion, she was focusing efforts on prevention of unwanted pregnancy in order to save lives.

25. **Ms. Pimentel** asked if there were any measures to protect the rights and freedom of expression of gays and lesbians. The Committee would also like to hear more about any policies to eliminate domestic work by children under 14 and preserve their right to attend school. Regarding abortion, there were situations where prevention was not enough, for example, rape or incest or where the life of the mother was endangered. She still failed to understand why the life of the foetus was placed over the life of the mother.

26. **Ms. Neubauer** said that the next report should provide statistics on gender as a factor in education. She also wished to hear about any efforts to train teachers in a gender perspective and human rights.

27. **Ms. Patten** asked again whether the Government was planning to amend the Equal Opportunities Act to include the words "equal value", as recommended by the International Labour Organization (ILO). She remained concerned about the working conditions and reports of abuses in the *maquila* sector. The industry was good for the economy and it increased the employment of women, but profits were made at the expense of cheap female labour and the denial of

women's labour rights. She asked again whether the labour inspectorate was strong, well-funded and free of any corruption.

28. **Ms. Estrada** (Honduras) said that the Government had plans to help all its minority communities, especially those of African descent living on the Atlantic coast, who fell into five distinct ethnic groups. A recent Presidential decree had instructed every Ministry to draw up a plan of assistance for those groups and had asked the ethnic groups themselves to give their views on assistance.

29. **Ms. Urbina** (Honduras) said that a team of experts from several ministries, the Supreme Court, ILO, and various non-governmental organizations were working together to eradicate child labour and to amend all the relevant laws. The Attorney General's Office, for instance, had issued a revised list of the types of work deemed dangerous to children, and Parliament had drafted a bill on the matter. The minimum working age and the conditions of labour by minors were regulated by law, and violations were punishable under the law. Yet despite all legal protections and prohibitions, extreme poverty was still a cause of considerable child labour in Honduras.

30. The Government was offering courses to increase awareness of children's rights and the procedure for filing complaints. The Department of Investigations in the Ministry of Labour was being strengthened; and the national plan of action was progressing, with each institution identifying the resources it had to combat child labour. On the question of teenage pregnancy, the Ministry of Health had 25 well-run clinics throughout the country, mainly in urban areas, which were equipped to take complaints of sexual abuse of children and steer them towards educational opportunities, as well as to provide prenatal care, family planning information and psychological counselling.

31. **Ms. Estrada** (Honduras) observed that the legal prohibition of abortion clearly did not prevent abortions, for the rate was 108 per 1,000 women in Honduras. In any case, the constitutional law on abortion had since the 1980s referred to the enjoyment of all human rights by persons about to be born, rather than referring to life beginning at conception. The President would be considering the recent recommendation of the Human Rights Committee regarding therapeutic abortion.

32. She informed the Committee that Honduras had just signed the Convention on the Rights of Persons with Disabilities, which would further protect the rights of the 10,000 disabled persons in the country. Also, the requested statistics on education would be furnished. The universities were teaching gender studies, but the concept was new in some quarters, and the Government had to fight to establish it.

33. **Ms. Iriás** (Honduras) said that the Government had reached agreement with public and private universities and with the Ministry of Education itself to include gender studies in the curriculum, with the cooperation of the Directors of Education in each department in Honduras. There remained resistance to teaching the subject, however, and stereotypes persisted. No studies had been done on the access to education of women as opposed to men, but it was undeniable that many girls were engaged in domestic work rather than schooling. The Government carried out consciousness-raising campaigns and was trying to do away with prudish taboos in teaching, while promoting the theme of inclusion. The sexist content of the curriculum in primary and secondary schools and universities was being revised, as well as in nursing and medical schools and most recently in the Faculty of Economics.

34. **Ms. Estrada** (Honduras) observed that the Faculty of Law as well was revising its curriculum in that connection.

35. **Ms. Morales** (Honduras) conceded that the Government had to improve its supervision of conditions in the *maquila* industry. It was receiving real assistance from the ILO International Programme on the Elimination of Child Labour (IPEC) in that respect, and the next report would give an account of the improvements in the situation.

Articles 15 and 16

36. **Ms. Patten** asked whether the family courts were already in operation, if they were modern, family friendly and centralized, and if women had easy access to them and to legal aid. It was not clear why most women did not seek enforcement of their rights in relation to their children, such as the right to custody. She hoped that the Government and the courts nevertheless routinely followed the “best-interest-of-the-child” principle in reaching decisions in family matters. Also, she had trouble understanding why the

rights of the couple were governed by the Equal Opportunities Act and not by the Family Code, and she would like to know if the Government was planning to revise the Family Code to close the gaps relating to marital rights.

37. **Ms. Morales** (Honduras) said that marital rights fell under article 2 of the Equal Opportunities Act because it clearly set out the fundamental aims: to eliminate all discrimination against women and to achieve gender equality. The Family Code, on the other hand, regulated its own areas of specialization. Both the domestic violence courts and the family courts were autonomous bodies organized similarly according to a model that functioned very well. The next periodic report would describe the changes that had been introduced. There was a clear need to increase the number of specialized courts outside the main cities, where approximately 80 per cent of the cases were resolved.

38. **The Chairperson** thanked the members of the delegation for their frank responses to questions and for the constructive dialogue with the Committee. She herself had great hope that Honduras, with its long-standing record of strong leadership in the region, was on the right track.

39. **Ms. Estrada** (Honduras) assured the Committee that the members of the delegation would use the Committee’s concluding comments to support their own efforts for the advancement of women. Honduras needed technical help with the compilation of statistics, but the next report would contain all the information that the Committee was expecting.

The meeting rose at 5 p.m.