



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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Addendum

HONDURAS

INTRODUCTION

Women in Honduras have been fighting for many years against discrimination and for equality before the law in terms of rights and obligations.

These efforts are reflected in the progress achieved since 1955 when women were granted political rights and thus enabled to participate in the country's political life, exercising the right to vote and assuming an active role in the development of the life of the nation. Although there was some initial timidity, women now represent a decision-making force in many areas of national life.

Women in Honduras have demonstrated that they are able to collaborate in all activities related to individual and collective development. The Government is aware of this and has made efforts to find the necessary means to eliminate all forms of discrimination so that women may have full equality of rights in the political, economic, social, cultural and civil spheres.

This government policy has resulted in important reforms to promote women in Honduras, leading to the promulgation of the new Penal and Family Codes, in 1983 and 1984 respectively.

However, despite these efforts women have still not achieved full enjoyment of the rights concerned, not because of the absence of an effective legal structure, but rather because of deep-rooted practices and customs in our society, and the idea that the primary role of women is to carry out domestic duties.

The Government is striving to remove some of these obstacles by broadening the strategies established in order to strengthen women's participation at all levels, including the decision-making level.

WOMEN IN HONDURAN LEGISLATION

The 1957 and 1982 Honduran Constitutions implicitly and tacitly recognized the equality of the sexes, as well as guaranteeing the right to acquire and exercise citizenship, by stating that "all Hondurans aged over 18 years" are citizens.

In line with this constitutional provision all citizens are guaranteed the exercise of political rights (the right to vote and to seek popularly elected posts and other rights acknowledged by the Constitution and legislation).

Furthermore, the 1981 Political Organizations Law granted such rights equally to all citizens. It is worth mentioning that, in the exercise of these rights, considerable changes have taken place with regard to the participation of women in public life and many women have reached high posts in the diplomatic field, in the Ministries of Education and the Economy and in the appeals court structure. Women have also become involved in the various branches of the armed services.

In the context of this equalization of rights between men and women, Honduras acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1980.

The most important achievement in recent years was the approval of the Family Code, embodying provisions of the 1979 Convention, which put an end, at least from the legal standpoint, to any discrimination in the Civil Code. The changes were as follows:

- The Code states that the domicile of the spouses is to be the joint home and that, on separation, each is to have domicile in the place where he or she takes up residence.
- With the establishment of the legal equality of the spouses with regard to the rights and duties arising from marriage, such as mutual fidelity, reciprocal protection and assistance and equal opportunities to carry on occupations and vocations, the husband loses the absolute right of representation of the family formerly recognized by the Civil Code.
- The spouses are both to contribute to the costs of running the home, according to their resources and economic capability, but the woman is granted a preferential right to the salary, wage or income of the husband up to the amount required to feed her and their children.
- A de facto union generates the same effects as a legal marriage (civil marriage) when acknowledged by the competent authority. For such a union to be formalized a number of requirements set out in the Code must be fulfilled.
- Patria potestas now applies to both parents and not solely to the father, unless it is granted to one parent by legal judgement, with preference being given to the woman in the event of disagreement between the spouses.
- The Constitution recognizes divorce as a means of terminating marital bonds by mutual consent or on the grounds established by law.
- The Family Code indicates that manifest and public infidelity on the part of either spouse is grounds for divorce, thus eliminating the discrimination in the Civil Code which penalized only the illicit relations of the wife.

NEW PENAL CODE

The 1906 Penal Code contained provisions which discriminated against women. The new Code has eliminated some of these by taking a more modern legal view:

- The fact that a wife is killed when discovered in adultery is no longer an exonerating circumstance, and the act becomes a serious crime punishable by imprisonment for a period of 15-20 years.
- Provision is made for ethical and therapeutic abortion. This sacrifice of the life of the foetus may only be authorized with the consent of the mother, thus respecting her right to motherhood.
- The Code guarantees greater protection for the family on the part of persons who are legally obliged to provide subsistence and cease to do so.

LABOUR CODE

In the area of labour legislation, women have the same rights and obligations as men, except those that are specific to women and are set out in the laws.

These exceptions relate to pregnancy, breast-feeding and maternity leave. Women's rights in these circumstances include a rest period before and after birth. Without prejudice to their jobs or wages, they have a rest period of six weeks before and six weeks after the birth and the breast-feeding period is one hour per day for six months.

- Antenatal, natal and post-natal medical care and the money subsidies stipulated are to be provided by the Honduran Social Security Institute (IHSS).
- In the event that the employer fails to fulfil the obligation of providing paid leave, the woman worker has the right to seek compensation amounting to double the amount of the remuneration for the leave not granted.
- Women who do domestic work are not covered by the social security system or the benefits provided under the Labour Code, giving rise to discriminatory treatment as a result of motherhood.
- The Constitution, in line with the Labour Code, precludes the possibility of discrimination against women regarding wages. Both texts expressly lay down the principle of equal pay for equal work. However, the fact that most working women are unaware of the laws protecting them permits some exploitation of their labour.

AGRARIAN REFORM LAW

As is the case in all developing countries, women in the rural areas of Honduras have not become fully integrated in national development for socio-economic and cultural reasons. Their work is generally limited to domestic tasks and their participation in agriculture has always been to help men. Nevertheless, in recent years there has been pressure for their direct integration in agrarian reform and many farming and stock-breeding projects are now administered by women's groups.

There are currently 24 groups made up of rural women, with a total of 360 members implementing a variety of projects with external financing. It is also worth pointing out that, to assist these rural communities and co-operatives, arrangements have been made to provide them with educational and health services and training in activities going beyond the roles of mother and housewife (women leaders).

WOMEN IN EDUCATION

In Honduras there is no discrimination in education. Women may freely choose the course they prefer, even from among those which used to be the domain of men, such as agronomy, veterinary science, forestry, etc.

Special mention may be made of the women's training programmes provided by INFOP, which, although confined to traditional training areas such as confectionery, floristry, handicrafts, dressmaking and tailoring, help to prepare women and permit them to engage in productive work once they have acquired the knowledge imparted.

In the context of these important social reforms, article 148 of the Constitution of the Republic refers to the establishment of the Honduran Institute for the Prevention of Alcoholism and Drug Addiction, which will assist in eradicating one of the most serious problems afflicting young people.

We give below a more detailed summary of the legislation adopted and a list of action being taken in rural areas to improve the situation of women. We also give some comparative statistics regarding the situation of women during the Decade for Women, during which the most important action taken by the Government was the inclusion in the National Development Plan of the sector "Women's welfare",

involving specialized personnel of the Technical Secretariat of the Planning Council to diagnose the situation of women and identify action to be taken to eliminate discrimination and incorporate women in the country's development plans. It is also worth stressing the encouragement that has been given to women's groups to organize themselves in line with their interests, by recognizing them as legal entities and promoting their activities by means of fiscal concessions.

On 25 November 1974, the Honduran Government was very pleased to associate itself with the initiative of the United Nations, which under resolution 3010 proclaimed 1975 as International Women's Year and the decade ending in 1985 as the Decade for Women, with the aim of achieving equality, development and peace through women's activities. In so doing, through a proclamation, the Government recognized the Honduran woman as the focus of the family, stressing her magnificent contribution to the development of the country and the legal inequality between the sexes in the two main branches of law: public and private. An undertaking was also made to eliminate all forms of discrimination and the public sectors were recommended to "promote a régime of equality and justice".

On 18 December 1979, the General Assembly approved the Convention on the Elimination on All Forms of Discrimination against Women, which was approved by the Honduran Government on 14 May 1980 and ratified on 10 September 1980 in Decree No. 970 published in Official Gazette No. 232003. The instrument of ratification was deposited with the United Nations Secretariat in November 1982.

Against this background, the Honduran Government has striven to eliminate legal norms which, in one way or another, have discriminated against women in the exercise of their rights.

We shall go on to analyse the legislation that has been enacted, making a comparison with the previous situation in order to provide a full catalogue of the Government's efforts in this area, in line with the provisions of the Convention which, based on the Declaration of Human Rights, reaffirms the principle of non-discrimination and, in article 2 (a), calls on States to embody the principle of equality of men and women in their national Constitutions or other appropriate legislation if it is not yet incorporated therein, and to ensure, through law and other appropriate means, the practical realization of this principle.

EQUALITY OF WOMEN BEFORE THE LAW

In the Constitution of Honduras issued in January 1982 by Decree 131 of 1982, article 60 states: "In Honduras there are no privileged classes and all Hondurans are equal before the law. Any discrimination on the grounds of sex, race or class and any discrimination prejudicial to human dignity is punishable. The law shall establish the offences and penal sanctions for offenders in this area."

Article 61 states that the Constitution guarantees Hondurans and foreigners resident in the country the right to inviolability of life, to individual security, to liberty, to equality before the law and to property. Article 64 stipulates that no laws or governmental or other provisions shall be approved which regulate the implementation of the declarations, rights and guarantees established in this Constitution if they would cause the same to be reduced, restricted or distorted.

NEW PENAL CODE

Article 2 (g) of the Convention commits States to repeal all national penal provisions which constitute discrimination against women.

The current Penal Code was promulgated by Legislative Decree No. 144-83 of 26 September 1983, accompanied by the Code of Criminal Procedure and the Law on the Rehabilitation of Offenders.

These new legal texts abolished all the discrimination contained in the 1906 Penal Code, such as the exemption from criminal liability for a husband who, on surprising his wife in the act of adultery, killed, injured or maltreated her or her accomplice, on the understanding that misconduct on the part of the husband did not excuse the fault of the wife; such killing has now become an offence of homicide, as follows: "Article 122. A person who, on surprising his spouse or the person with whom he leads a marital life in the act of intercourse with another person, kills or injures either or both of them, provided that the offender has a record of good behaviour and that the opportunity for committing the crime was not provoked or simply facilitated by knowledge of the conjugal or marital infidelity, shall be punished by imprisonment for a term of between four and six years (without the possibility of bail)."

Adultery and concubinage were deleted from the heading of "offences against decency".

Offences against sexual freedom and indecent offences, such as rape, seduction and abduction (violación, estupro, ultraje al pudor and r فهو), are subject to punishments more severe than those contained in the previous Code, particularly with reference to crimes committed against minors.

For the first time in this new Penal Code reference is made to the offence of refusal of family assistance, making it punishable to cease to provide subsistence for the spouse, children aged under 21 years or a ward under one's guardianship without proper cause. The use of insolvency, transfer of property to third persons, abandonment of employment or any other fraudulent means to avoid fulfilling the obligation to provide sustenance is also punishable.

These punishments are without prejudice to the obligation of the person concerned to provide sustenance.

With regard to offences against other persons, the provisions of the previous Code concerning a penalty of 15 to 60 days' imprisonment for a husband or partner who mistreats his wife or partner when no injury is caused were retained, with the inclusion of provisions making it punishable for a wife physically or verbally to mistreat her husband or partner, without causing injury. A man who approaches a woman in an obscene manner or with disrespectful proposals or questions or who follows her or molests her by immodest actions or attitudes becomes punishable by between 10 and 30 days' imprisonment or a fine of between 10 and 30 lempiras (national currency equivalent to \$0.50).

Article 6 of the Convention requires States parties to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women. In this connection, for the first time in Honduras, the current Penal Code, in article 148, provides for imprisonment for a term of between two and five years for a person who habitually or by abusing authority or confidence, or for reasons of profit, promotes or facilitates prostitution or corruption of adult persons of either sex to satisfy the desires of others. This punishment is increased by one third when the passive subject of the offence is a minor. The same punishments apply to those who impede such persons from abandoning prostitution. Article 149 of the said Code also punishes the traffic in women and provides for a term of three to five years of imprisonment for anyone who promotes or facilitates the entry into Honduras of women or of minors of either sex for purposes of prostitution or the departure thereof for the purposes of prostitution abroad.

THE LAW AND WOMEN IN THE NATION'S POLITICAL LIFE

Article 7 of the Convention calls on States parties to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure, on equal terms with men, the right: to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; to participate in public governmental elections; to participate in the formulation of government policy and the implementation thereof; to hold public office and perform all public functions at all levels of government; to participate in non-governmental organizations and associations concerned with the public and political life of the country.

The Honduran Constitution has recognized the right of women to participate under equal conditions with men in the political and public life of the country since 25 January 1955, when women became citizens. This was expanded in the Constitutions of 1957, 1965 and 1982, as follows: Article 36: All Hondurans aged over 18 years are citizens. Article 37: The citizen is entitled: 1. To elect and to be elected. 2. To seek public office. 3. To associate in order to establish political parties and to join or leave the same. 4. To other rights acknowledged by this Constitution and the law. Article 39: All Hondurans must be registered with the National Office for the Registration of Persons (State agency responsible for the Civil Register, the issue of identity cards to all Hondurans and the exclusive official preparation of the national electoral list). This agency shall enter all records of the civil status of persons from birth until death and enable them to participate in civil life. Article 40: Duties of the citizen are:

1. To fulfil, defend and ensure fulfilment of the Constitution and the laws.
2. To obtain an identity card.
3. To vote.
4. To carry out the functions of offices subject to popular election, except in the event of excuse or relinquishment for due cause.
5. To perform military service.
6. Other duties established by the Constitution and the laws.

Article 44 states that suffrage is a public right and function. The vote is universal, obligatory, egalitarian, direct, free and secret. Article 45 states that any act designed to prohibit or restrict the citizen's participation in the nation's political life is punishable.

The electoral and political organizations law promulgated in Decree No. 53 of 20 April 1981 (article 6) states that suffrage is a public right and function of the citizen, who exercises it by means of a free, egalitarian, direct and secret vote, its exercise being obligatory within the limits and conditions set out in this law. Article 7 states that all Hondurans aged over 18 years are citizens. This condition gives them the duty and the right to be included in the electoral lists, to obtain an identity card and to exercise suffrage, among other duties and rights established by the Constitution and the law. Article 11 provides that, when the conditions of organization of the election so permit, suffrage is to be extended to Honduran citizens resident outside the national territory. The National Election Tribunal is to regulate this provision by unanimous affirmative vote of its members. Article 9: All Honduran citizens included in the national electoral roll who are not subject to the prohibitions set out in law are

electors. Article 10 specifies which Hondurans may not exercise suffrage: those who have been deprived of their political rights by non-appealable judgement; those who have been imprisoned for serious crimes; those who have been imprisoned, even for less serious offences, and who are currently in detention; those under civil interdiction and senior military officers in the armed forces and security services or police.

With reference to article 8 of the Convention, Honduran women have also had the opportunity to represent their country abroad in the diplomatic corps, acting as ambassadors, first secretaries, advisers and attachés. Between 1973 and 1986, women were in charge of the Honduran embassies in Ecuador, Costa Rica, Venezuela, Guatemala and China.

The proportion of women working in the various embassies is currently as follows: of 185 persons working in Honduran embassies abroad, 79 are women, of whom 35 are officials and 44 are in the support staff category.

NATIONALITY OF MARRIED WOMEN

Article 9 of the Convention refers to equality of rights with regard to acquiring, changing or retaining nationality, and the obligation to ensure that neither marriage to an alien nor change of nationality by the husband during marriage will automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband; it also requires States parties to grant women equal rights with men with respect to the nationality of their children.

Honduras signed the Convention on the Nationality of Married Women in 1934 and ratified it first in its 1936 Political Constitution. The wording used in that Constitution was repeated in subsequent Constitutions. In the 1982 Constitution, article 27 states: "Neither marriage nor its dissolution shall affect the nationality of the spouses or of their children".

WOMEN AND EDUCATION

Article 10 of the Convention refers to education and calls for the adoption of appropriate measures to eliminate discrimination against women in order to ensure them equal rights with men in the field of education. Article 151 of the Constitution of the Republic sets out that education is an essential State function and that national education is non-denominational and based on the essential principles of democracy. Article 171 sets out that education provided officially shall be free of charge and basic education shall also be compulsory and totally supported by the State, which shall establish the necessary measures to make this provision effective. Article 152 indicates that parents shall have a preferential right to select the type of education for their children. Article 154 states that the elimination of illiteracy is a priority task of the State. It is the duty of all Hondurans to co-operate in achieving this end. Article 158 stipulates that no educational centre may offer teaching of a quality below the appropriate level under the law.

The constitutional principles regarding education are set out in the Organic Law on Education, promulgated in Decree 79 of 14 November 1976 and the corresponding regulations, the Adult Literacy Law, the Law on the Teaching Profession and the Law on Teachers' Pensions and Annuities.

In none of these laws is there discrimination against women, either as pupils or teachers. If we examine the items in article 10 of the Convention in relation

to our situation, we can say only that the content of subparagraph (f) is not complied with - not because of neglect on the part of the Government, but rather because of cultural patterns which still prevail in rural areas.

WOMEN AND EMPLOYMENT

Article 11 of the Convention provides that:

- (1) States parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - (d) The right to equal remuneration, including benefits, as well as equality of treatment in the evaluation of the quality of work.
- (2) In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States parties shall take appropriate measures:
 - (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
- (3) Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

The conditions enjoyed by Honduran women, like those enjoyed by men, in matters of employment and social security are governed by the constitutional principles (1982) which are developed in the Labour Code, Decree 189 of 19 May 1959, the Law governing the Honduran Social Security Institute and the relevant regulations, Decree 140 of 19 May 1959, the Law on the Civil Service and its regulations, Decree 126 of 13 November 1967, the Law governing the Vocational Training Institute, Decree 10 of 28 December 1972 and the Law establishing the Minimum Wage, Decree 103 of 20 January 1971, and Decree 112 of October 1982 on the payment of a seventh day and a thirteenth month. In all these documents women are treated on an equal footing with men. It is in the practical application of the law that there are sometimes inequalities, which are very difficult to overcome because of the economic situation of the country. Women are frequently discriminated against in private enterprises with regard to wage levels; they are content to obtain and retain employment. Nevertheless, the Constitution of the Republic states in article 127:

"All persons have the right to work, to choose their occupation freely and to abandon it, under equal and satisfactory conditions of work and to protection against unemployment. The law guarantees stability of employment. There is equal pay for equal work, without discrimination, provided that the job, working day and conditions of efficiency and length of service are also equal.

Debts to workers in respect of wages, compensation and other social benefits shall receive special preference in accordance with the law."

In relation to social security, marriage and maternity are constitutionally protected by the State and dismissal on the grounds of pregnancy or maternity leave is prohibited. The Labour Code lays down that women's work must be specially suited to their physical state or conditions and that maternity leave is an obligatory rest period, paid in the same way as work, in the four weeks preceding the birth and the six weeks following the birth, without prejudice to the job and all corresponding rights under the employment contract. The employer must allow a woman worker two rest periods of 30 minutes each during the day to feed her child without any deduction from her wages during the first six months of the child's life.

In order to fulfil this obligation, an employer must provide a breast-feeding room or suitable premises for the child in the vicinity of the place where the woman works. No woman worker may be dismissed on the grounds of pregnancy or breast-feeding.

It is assumed that dismissal has been imposed on the grounds of pregnancy or breast-feeding when it occurs during the period of pregnancy or in the first three months after the birth and, in the event of such dismissal, the woman worker is entitled to payment of compensation equivalent to 60 days' wages, apart from any compensation and benefits which may be due to her under the employment contract, and payment for 10 weeks' paid leave if she has not taken them.

It is forbidden to employ pregnant women on work requiring great effort. It is also forbidden to employ pregnant women on night work lasting more than five hours. Any infringement of these provisions may be reported to the authorities.

Article 12 concerning the provision of health care on a basis of equality between men and women is complied with fully in Honduras and women are guaranteed the necessary attention for themselves and their children during pregnancy, confinement and the post-natal period. The administrative measures of the Ministry of Health include the training of women in relation to individual and community health under agreements reached with women's organizations which provide courses in this area. The mother and child care programmes cover family planning, which has been officially recognized since 1983, as well as breast-feeding and infant care.

Article 13 refers to discrimination in economic life with regard to the right to family benefits, bank loans, mortgages and other forms of financial credit. Article 121 of the Constitution lays down the obligation to nourish, assist and educate children while they are under age and in other cases as set out in law.

The State gives special protection to minors whose parents or guardians are economically unable to provide for their upbringing and education.

Such parents or guardians are to enjoy preferential treatment with regard to public service posts, all other circumstances being equal.

Moreover, the Law on the Civil Service, governing public posts, provides, in article 134 regarding the selection of candidates to occupy public posts, that poor parents with five or more under-age children shall be entitled to two preference points for each under-age child on top of the basic mark.

For the purposes of this provision, the term "poor parent" means a person whose annual income does not exceed 2,000 lempiras and who assumes economic responsibility for the relatives mentioned in the first paragraph.

It is assumed that such persons live at the expense of the poor parent if they live in the same house as the parent and who lack, fully or in part, resources of their own for their upkeep. If these conditions are not fulfilled the preferential point entitlement does not apply.

Decree 251 of 6 April 1978, concerning the allocation of land for the construction of low-cost dwellings, indicating priorities in article 5, gives first place to single women or men acting as heads of families with five or more children aged under 16 years, followed by married couples with five or more children aged under 16 years, either of the preceding categories with a smaller number of children, married couples without dependants and single persons.

Sex has never been a factor in obtaining bank loans if a mortgage is involved. For personal loans, private banks nearly always ask a woman for the guarantee of her husband or of some other person that she is solvent.

In 1983, the Government authorized the establishment of the Banco de la Mujer (Women's Bank) and other institutions to help women by means of the granting of supervised credits.

WOMEN IN THE RURAL SECTOR

Article 14 of the Convention refers to the particular problems faced by rural women and the significant roles which they play in the economic survival of their families, calling on States parties to enable women to: participate in the elaboration and implementation of development planning at all levels; have access to adequate health-care facilities, including information, counselling and services in family planning; benefit directly from social security programmes; obtain all types of training and education, formal and non-formal, including that relating to functional literacy; organize self-help groups and co-operatives; participate in all community activities; have access to agricultural credit and loans, marketing facilities and appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes; enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

With regard to the position of rural women we must consider those who live in the reformed sectors, subject to application of the Agrarian Reform Law promulgated

in Decree Law 170 of 30 December 1974, and those who live in sectors unaffected by that reform and who are discriminated against completely. The Law in question provides that a woman who is Honduran by birth may qualify for land if she is aged over 16 years, has family dependants and works the land. In order of priority for the allocation of land she ranks third.

In the event of the death of a person to whom a property has been allocated or if that person should be completely incapable, his wife or partner or any of his children who satisfies the conditions set out in this law shall have a preferential right.

In this last case, the child shall fulfil the family obligations of the dead or incapable person. This rule shall also apply if the dead or incapable person belonged at the time to a co-operative or associative enterprise, in respect to the rights he had therein.

The wording of these articles allows the authorities concerned with the reform (National Agrarian Institute) to consider a woman for land allocation only if she is the head of a family and the children are under age. This situation has generated constant objections on the part of women's organizations.

As far as training and participation in development agencies, such as co-operatives, are concerned, in this sector masculine prejudices prevail and men stubbornly oppose the inclusion therein of wives or partners. None the less, the Rural Women's Education and Training Department uses its courses, seminars and meetings to stress the need for men to include wives or partners in the administrative and production work of co-operatives. This effort to bring about a change in attitudes has the co-operation of the women's organizations.

Article 15 of the Convention calls on States parties to: accord women equality with men before the law, a legal capacity identical to that of men, the same opportunities to exercise that capacity, equal rights to conclude contracts and administer property and equal treatment in all stages of procedure in courts and tribunals; deem null and void any contract or legal instrument which is directed at restricting the legal capacity of women; give women the same right regarding free movement and the freedom to choose their residence and domicile.

CIVIL STATUS OF WOMEN

Women in Honduras have enjoyed equal civil status with men since the current Civil Code was promulgated in 1906. Both women and men come of age at 21 years, at which age both married and unmarried women may administer property, enter into contracts, participate in legal proceedings as plaintiffs or as witnesses, dispose of their property by will and move about freely. Since 1906, a married woman has not required her husband's permission to travel. With regard to the choice of residence and domicile, unmarried women have been free to make this choice since 1906, although it was not until the 1984 Family Code that married women had this freedom because the husband previously fixed the residence and the woman adopted the domicile of the husband as the head of the family.

Article 16 calls on States parties to accord men and women, on a basis of equality: the same right to enter into marriage and the same right freely to choose a spouse and to enter into marriage only with their free and full consent; the same rights and responsibilities during marriage and at its dissolution; the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights; the same

rights with regard to guardianship, trusteeship and adoption; the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation; the same rights in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration. The betrothal of a child is to have no legal effect and action is to be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

MARRIAGE AND DE FACTO UNIONS

The Government of Honduras has complied with article 16 of the Convention by means of the Family Code (Decree 76-84 of 1984), which came into force in 1985. This Code gave legal recognition to the constitution of the family by civil marriage and by a de facto union and, with regard to minors, adoption under the conditions set out in the Code. Marriage must take place according to the requirements and formalities established by the Code on the basis of legal equality of the spouses. Requirements: civil majority (21 years), full consent (if the person is under age, consent must be given by the parents, guardians or responsible persons and by the competent judge if any of the persons responsible for giving authorization refuses to do so without showing proper cause and the minor is aged less than 18 years).

Who cannot enter into marriage?

Persons not in full possession of their reason when marriage is celebrated. Persons whose previous marriage or de facto union has not been legally dissolved.

Who may not intermarry?

Relatives in direct ascending or descending line. Brothers and sisters. Other collateral relatives up to the fourth degree of consanguinity. An adoptive parent and his or her adoptive child. A guardian and his or her ward. Persons sentenced as the authors or as author and accomplice of the death of the spouse or partner.

The competent judge may grant dispensation regarding the impediment caused by guardianship or that existing between first cousins.

Marriage may not be entered into by minors who have not obtained the consent of the persons required to give consent, or by a woman within 300 days of the dissolution of the previous marriage or de facto union or the declaration that the marriage was null and void - if such declaration was made on the grounds of the husband's impotence, the woman may enter into marriage again without waiting for a specific time and without prior publication of the legal edicts or presentation of the pre-nuptial certificate.

With regard to the rights and duties arising from marriage and on the occasion of its dissolution, the Family Code states that marriage and de facto unions are established on the basis of equality of rights and duties of the two parties, who must live together, show each other due loyalty, consideration and respect and support each other. Both spouses are obliged to care for the family that they have procreated and to co-operate with each other in the education, upbringing and guiding of their children, according to the principles of morality and proper behaviour. To the extent of their capabilities and resources, each must participate in running the home and co-operate in ensuring its good administration. Nevertheless, if one spouse contributes only by working in the

home and caring for the children, the other must contribute alone to the needs of subsistence, without detriment to the duty to co-operate in the said work and care.

Both spouses have the right to carry on their professions and occupations and have the duty to provide mutual co-operation and support therefor, as well as to undertake studies or further training, but in all events are to take care to organize life in the home so that such activities may be co-ordinated with family obligations.

The woman shall always have a prior right to that portion of the husband's wages, salary or income needed to cover food for herself or her under-age children.

The husband shall have this right in cases where the wife is obliged to contribute all or part of the family expenses.

WOMEN'S CHOICE OF NAME

As far as the choice of surname is concerned, the National Census Law (Decree 150, November 1982) merely states that every person has a right to his or her individuality and his or her names as indicated in the Civil Register.

The first surname which must be recorded in the Register of Births is that of the father and the second that of the mother - in the absence of a father, both names of the mother shall be recorded. Consequently, under Honduran law a woman does not take her husband's surname but retains her own surnames.

DISSOLUTION OF MARRIAGE

Marriage is dissolved by the death of one of the spouses or by divorce. Divorce breaks the matrimonial link by a legal ruling, and may be contested or uncontested.

There are eight grounds for a contested divorce:

Obvious and public infidelity by one of the spouses;

Ill-treatment or cruel treatment of one spouse by the other or of the children, making life together insupportable;

An attempt by one spouse on the life of the other or the children;

Manifest and unjustified abandonment by one spouse of the other for a period of more than two years without communication with the other;

Any conduct by one spouse tending to corrupt or pervert the other or the descendants;

Habitual use of heroin-based and narcotic drugs by one spouse when this threatens to cause the ruin of the family or makes continued conjugal relations impossible;

Unjustified refusal on the part of one spouse to fulfil, towards the other or the common children, legal obligations regarding education, upbringing and sustenance;

De facto separation of the spouses for a period of two consecutive years.

Divorce leaves the spouses free to contract new marriages and has the same effects for both spouses. Both in the case of civil marriage and in the case of a de facto union, the spouses may choose one of three financial arrangements:

(a) Separation of property;

(b) Community of property;

(c) Joint ownership of property acquired after marriage. None of these exclude the formation of the family estate. Before entering into marriage, the future spouses may settle all questions relating to present and future property by means of a marriage settlement. If there is no marriage settlement each spouse retains control of and may dispose freely of property that he or she possessed when entering into marriage and property acquired in any way, although this in no way exempts him or her from the obligation to provide for the costs of the home, feeding and educating the children, other costs involved in the marriage and the conservation of the family estate.

The furnishings of the conjugal home belong exclusively to the woman, with the sole exception of the husband's items for personal use.

Administration. The spouses administer the conjugal property and either spouse may perform acts of administration, or one of them may be appointed administrator by joint agreement.

A man aged 18 years and a woman aged 16 years may enter into marriage subject to the authorization required by law.

Minimum age. Marriage contracted by persons who have not reached the ages mentioned shall be validated without the need for express declaration if the contracting parties have not separated within a month after the younger spouse has reached the age of 16 or if the woman has conceived before reaching that age.

Official registration of marriages

The officials who authorize the formalization of civil marriage are obliged to submit certification of the act or public testimony thereof within three days of the celebration of the marriage to the corresponding civil registry so that the marriage may be registered; at the same time, the record of the celebration of marriage, accompanied by all documents forming part thereof, must be deposited in the custody and under the responsibility of the corresponding civil registry.

Guardianship, trusteeship, custody and adoption of children

In these areas men and women have equal rights. The interests of the children are paramount, and the wife is always given preference in relation to custody.

PRIMARY EDUCATION PER AREA IN 1975

| | | Percentage | Receiving education | Percentage | Not receiving education | Percentage |
|-------------------------|---------|------------|---------------------|------------|-------------------------|------------|
| Total population | 881 281 | 100% | 459 647 | 51.116% | 421 634 | 47.84% |
| Female population | 437 702 | 49.67% | 207 149 | 47.33% | 230 553 | 52.67% |
| Urban female population | 261 755 | 29.70% | 163 266 | 62.37% | 98 489 | 37.63% |
| Rural female population | 619 526 | 70.29% | 296 381 | 47.14% | 323 145 | 32.16% |

SECONDARY EDUCATION

| | 1975 | Receiving education | Percentage | 1983 | Receiving education | Percentage |
|-------------------------|---------|---------------------|------------|---------|---------------------|------------|
| Total population | 318 610 | 56 195 | 17.64% | 444 749 | 153 642 | 34.55% |
| Female population | 158 068 | 28 335 | 17.92% | 220 884 | 65 157 | 29.50% |
| Urban female population | 58 463 | 21 690 | 37.10% | 90 151 | 48 320 | 53.59% |
| Rural female population | 99 605 | 6 645 | 6.67% | 130 693 | 16 837 | 12.88% |

PRIMARY EDUCATION PER AREA IN 1983

| | | Percentage | Receiving education | Percentage |
|-------------------------|-----------|------------|---------------------|------------|
| Total population | 1 160 655 | | 704 612 | 60.71% |
| Female population | 579 099 | 49.89% | 350 731 | 60.56% |
| Urban female population | 197 793 | 50.42% | 143 389 | 72.49% |
| Rural female population | 381 306 | 49.58% | 207 342 | 54.38% |

ECONOMICALLY ACTIVE POPULATION

| | 1975 | ----- | Percentage | 1985 | ----- | Percentage | Increase | - | Percentage | Decrease | - | Percentage |
|--------|------|-------|------------|-------|-------|------------|----------|-----|------------|----------|---|------------|
| Total: | 913 | 363 | | 1 225 | 590 | | 312 | 227 | | 34.18% | | |
| Women: | 136 | 371 | 14.93% | 184 | 505 | 15.05% | 48 | 134 | | 35.29% | | |

PUBLIC ADMINISTRATION EMPLOYEES

| | 1975 | ----- | Percentage | 1985 | ----- | Percentage | Decrease | ----- | Percentage |
|--------|------|-------|------------|------|-------|------------|----------|-------|------------|
| Total: | 32 | 927 | 100% | 30 | 000 | 100% | | | |
| Women: | 14 | 313 | 43.46% | 10 | 000 | 33.33% | 4 | 313 | 30% |
| Men: | 18 | 614 | 56.54% | 20 | 000 | 66.67% | | | |

| | |
|----------------------------------|----------------------|
| Number of women voters in 1985 | 932 372 |
| Women among: political governors | 3 |
| Mayors | 17 |
| Aldermen | 87 |
| Deputies | 9 plus 13 alternates |
| SUPREME COURT OF JUSTICE | |
| Judge in Labour Appeals Court | 1 |
| Appeals Court | 1 |
| Judge in Rents Tribunal | 1 |
| Judge in Juvenile Court | 1 |
| Judges with legal qualifications | 7 |
| Justices of the peace | 2 |
| JUDICIAL POWER | |
| EXECUTIVE POWER | |
| Women Secretaries of State | 1 |
| Women Deputy Ministers | 1 |

AVERAGE WEEKLY WAGES RECEIVED BY MEN AND WOMEN IN 1975 AND 1985
IN TEGUCIGALPA

| Occupation | 1975 | | | 1985 | | |
|-----------------------|---------------------|-----------|---|--------------|-----------|---|
| | Average weekly wage | | Amount by which the average is less for women | Average wage | | Amount by which the average is less for women |
| | For men | For women | | For men | For women | |
| Administrator | L. 325.50 | L. 106.11 | L. 219.39 | L. 502.40 | L. 289.50 | L. 212.90 |
| Bookkeeper | L. 158.86 | L. 59.62 | L. 99.24 | L. 188.75 | L. 91.00 | L. 97.75 |
| Bookkeeping assistant | L. 78.29 | L. 59.20 | L. 19.09 | L. 82.20 | L. 67.30 | L. 14.90 |
| Sales agent* | L. 90.39 | L. 139.21 | L. 150.45 | L. 215.40 | L. | |
| Auditor | L. 202.72 | L. 121.85 | L. 80.87 | L. 240.35 | L. 166.00 | L. 74.35 |
| Porter | L. 33.39 | L. 32.70 | L. 0.69 | L. 38.75 | L. 38.00 | L. 0.75 |
| Cook | L. 63.12 | L. 26.60 | L. 36.52 | L. 87.50 | L. 69.40 | L. 18.10 |
| Waiter | L. 26.22 | L. 23.21 | L. 3.01 | L. 31.70 | L. 28.65 | L. 3.05 |
| Cashier | L. 104.23 | L. 82.73 | L. 21.50 | L. 115.60 | L. 104.70 | L. 10.90 |
| Draughtsman | L. 80.40 | L. 62.52 | L. 17.88 | L. 89.80 | L. 75.40 | L. 14.40 |
| Manager | L. 133.23 | L. 32.46 | L. 0.77 | L. 185.50 | L. 184.90 | L. 0.60 |
| Director | L. 505.30 | L. 223.78 | L. 281.52 | L. 592.40 | L. 388.70 | L. 203.70 |
| Machine operator | L. 62.24 | L. 53.34 | L. 8.90 | L. 69.65 | L. 59.80 | L. 9.85 |
| Office worker | L. 98.32 | L. 72.20 | L. 26.12 | L. 105.25 | L. 94.35 | L. 10.90 |
| Weaver | L. 31.85 | L. 31.80 | L. 0.05 | L. 36.50 | L. 36.05 | L. 0.45 |

* Women earn better as sales agents because they do more work and work more constantly, and therefore receive more and better commissions.

ANNEX 2

CO-OPERATIVE PROJECTS DEALT WITH BY THE UNIT FOR TECHNICAL CO-OPERATION WITH RURAL WOMEN
AND YOUTH OF THE MINISTRY OF NATURAL RESOURCES IN 1986

| Region | Community | Project | Amount of the project (Lempiras) | Source of financing |
|--------|---|---|--|--|
| South | La Cruz (Pavana) Jicaral (Linaca) Azacualpa (San Bernardo) | Bee-keeping Consumer shop Sesame seed | 500.00 500.00 308.00 | Fondo de Consumo Familiar Fondo de Consumo Familiar Fondo de Consumo Familiar |
| West | El Pital (La Entrada, Copán) Quita Sueño (La Entrada, Copán) Quita Sueño (La Entrada, Copán) Corquín (Copán) Concepción (Ocotepeque) El Porvenir (Ocotepeque) El Porvenir (Ocotepeque) Laguna del Pedernal (Lempira, Lempira) San Manuel (Lempira) San Manuel (Lempira) Buena Vista (Trinidad de Copán) Candelaria (Trinidad de Copán) Naranjito (Santa Bárbara) La Zumbadora (Florida, Copán) La Zumbadora (Florida, Copán) La Zumbadora (Florida, Copán) | Bee-keeping Maize growing Poultry Preco-operative improvement Dwellings Horticulture Basic cereals Dwelling improvement Poultry Dwelling improvement Dwelling improvement Poultry Dwelling improvement Poultry Breadmaking Maize and fruit Pigs Dwelling improvement Production | 2 244.00 3 380.00 3 415.00 23 500.00 11 981.00 6 586.00 4 045.00 2 455.00 1 210.00 583.00 1 960.00 1 222.00 1 024.00 256.45 350.00 216.00 532.00 | PRODERO PRODERO Mennonites PRODERO PRODERO UNICEF UNICEF PRODERO PRODERO PRODERO PRODERO PRODERO PRODERO PRODERO PRODERO PRODERO PRODERO |

SUMMARY OF PRODUCTION PROJECTS FOR RURAL WOMEN FINANCED BY THE
NATIONAL AGRARIAN INSTITUTE (INA) AND FAO IN 1986
DANLI REGION

| No. | Name of group | Village | Location Municipality | Subregion | Affiliation | Number of members | Type of project | Amount of financing (Lempiras) |
|-----|-------------------|--------------------------|--------------------------|------------|--------------|-------------------------|---|--------------------------------------|
| 1 | Nuevo Ambiente | Argelia | Danlí | El Paraíso | FEHMUC | 12 | Maize milling | 6 252.40 |
| 2 | Nuevo Ambiente | Argelia | Danlí | El Paraíso | FEHMUC | 12 | Maize growing | 1 587.60 |
| 3 | Santa Fe | El Tablón | Danlí | El Paraíso | INDEPENDENT | 6 | Consumer shop | 6 559.40 |
| 4 | Flores de Oriente | Chichicaste | Danlí | El Paraíso | ANACH-ANAMUC | 15 | Farm shop | 9 104.97 |
| 5 | Nuevo Ambiente | | Danlí | El Paraíso | FEHMUC | 12 | Plot, 4 mz, * for growing kidney beans | 1 453.20 |
| 6 | Nueva Suyapa | Argelia | Danlí | El Paraíso | INDEPENDENT | 19 | Plot, 4 mz, * for growing kidney beans | 1 453.20 |
| 7 | Nueva Suyapa | | Danlí | El Paraíso | INDEPENDENT | 19 | Plot, 4 mz, * for growing maize | 1 587.60 |
| 8 | Aguas Preciosas | | Danlí | El Paraíso | ANAMUC | 16 | Marketing | 6 870.00 |
| 9 | Iván Betancourt | Plan de Turcios Abajo | Danlí | El Paraíso | UNC | 8 | Consumer shop | 3 336.44 |

Source: National Agrarian Institute, Department for Rural Women and Youth.

* Translator's note: 4 manzanas or about 3 hectares.

CO-OPERATIVE PROJECTS DEALT WITH BY THE UNIT FOR TECHNICAL CO-OPERATION WITH RURAL WOMEN
AND YOUTH OF THE MINISTRY OF NATURAL RESOURCES IN 1986

| Region | Community | Project | Amount of the project (Lempiras) | Source of financing |
|------------------------|--|--|---|--|
| South-East | El Pescadero (Arauá, Danlí) El Coyolar (Jutiapa) Ocullí (El Chichicaste) | Fruit Rabbits Fruit-tree nursery | 5 000.00 9 000.00 5 000.00 | Fondo de Consumo Familiar AID-SAPLAN Fondo de Consumo Familiar |
| Centre-West | La Puzunca (Juticalpa) Talanquera (Juticalpa) | Rabbits Rabbits | 1 100.00 1 100.00 | UN UN |
| Atlantic Coast (Telas) | Las Quebradas ('Tela) Las Quebradas ('Tela) Paguales (La Masica) Paguales (La Masica) Agua Caliente (La Masica) El Paraíso (La Ceiba) Toncontín (La Ceiba) Yaruca (El Progreso) | Kidney beans Bee-keeping Rice Rice Rice Rice Rice Rice Bee-keeping | 15 145.00 10 789.00 3 625.00 5 808.00 3 824.50 13 871.19 13 501.22 21 108.00 | AHDEJUMUR AHDEJUMUR AHDEJUMUR AHDEJUMUR AHDEJUMUR AHDEJUMUR AHDEJUMUR Government - Canada |
| Santa Bárbara | Camalote (Quimistán) Las Varas (Azacualpa) Posas Verde (Azacualpa) Arada | Dwelling improvement Aquaculture (fish) Poultry Crafts, farming | - 2 305.00 2 305.00 1 313.00 | PRODESBA PRODESBA PRODESBA PRODESBA |