HONDURAS

1. Discriminatory family code

It is unclear what the legal age of marriage is in Honduras. While the Civil Code sets the minimum age for marriage without consent at 14 for men and 12 for women, the Family Code establishes that 21 is the minimum age without consent.

Indigenous and minority groups make up 8% of the Honduran population, and while their status and rights are officially recognised, customary law is not codified and it is unclear how customs and traditions in these groups affect the legal age of marriage.

Legal equality of spouses is recognised in Article 112 of the Constitution and, under Articles 2 and 7 of the Family Code, men and women share equal rights and responsibilities in regard to parental authority. Although men and women both have the right to be head of household under the law, Article 44 of the Family Code gives women preferential rights to the wages/income of the male spouse for their food and minor children.

According to the country’s latest report to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), despite awareness of their rights under the Family Code, in cases of conflict many women are reluctant to stand up to their husbands or partners in court in child custody cases, out of fear, shame or social pressure. Honduran women have the right to pass citizenship onto their children.

There is no legal discrimination against Honduran women in the area of inheritance. The Civil Code favours the surviving spouse regardless of gender, and the Family Code (Article 57) stipulates that men and women in common-law partnerships have the same rights as spouses in terms of inheritance (there

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1 Article 97 and 98 of the Civil Code
2 Article 16 of the Family Code
3 Minority Rights Group (2008)
4 FAO (n.d.)
5 CEDAW (2006), pp. 63-64
6 FAO (n.d.)
7 CEDAW (2006), p. 64
8 CEDAW (2006), p. 29
is no mention of same-sex partnerships).⁹ According to a 2003 study, discriminatory social norms have a strong influence in this area as well and can hinder women’s access to inheritance.¹⁰

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The Civil Code establishes that only the “innocent” partner may initiate divorce, either the woman or the man. In this sense, the perpetrator may be an unfaithful or dangerous/violent spouse. Other legal grounds for divorce are prostitution of the children or the wife, a pregnancy from a man other than the husband, and the husband’s cohabitating with another women and creating a public scandal.¹¹

2. Restricted physical integrity

The Law on Domestic Violence came into effect in 1997 and was amended in 2006.¹² The definition of violence is broad and encompasses psychological and economic violence.¹³ With these amendments, specialist domestic violence courts were established in Tegucigalpa and San Pedro Sula to hear cases covered by the law; outside of these cities, however, awareness of the law among the judiciary remains low.¹⁴ There appear to be only one to three shelters for women victims of violence in the country.¹⁵

Although no data was reported to the OAS under Honduras’s responsibilities as signatories of the Belem do Para Convention, the US Department of State reported that the Office of the Special Prosecutor for Women was investigating 1,777 complaints of domestic abuse in 2012 (down from 3,148 in 2011).¹⁶

Those convicted of domestic violence can face 2-4 years of imprisonment, although, due to lack of statistics reported,¹⁷ it is unclear how many cases go to trial. However the 2006 CEDAW report stated that in cases of domestic violence the resolution rate is 2.55%.¹⁸

Rape is considered a “public crime” in Honduras, and proceedings can be initiated even if the victim does not press charges.¹⁹ Spousal rape is included in the general definition of rape.²⁰

The police, Office of the Prosecutor and Justice of the Peace have protocols of care for women victims of violence, but there is no indication as to whether they are available in indigenous languages.²¹

Sexual harassment is a criminal offence, with penalties of 3 to 6 years imprisonment. It is defined as taking advantage of someone’s subordinate situation, in the workplace, education institution or similar, to solicit sexual favours in exchange for professional or academic advantage.²²

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⁹ FAO (n.d.)
¹⁰ Lastarria-Cornhiel et al. (2003)
¹¹ Civil Code Articles 143 and 144
¹³ CEDAW (2006), p. 14
¹⁴ CEDAW (2006), p. 16
¹⁶ US Department of State (2012)
¹⁷ OAS (2012), p. 197
¹⁸ Manjoor (2014)
¹⁹ CEDAW (2006), p. 14
²⁰ OAS (2012), p. 115
²¹ OAS (2012), p. 149
This year the UN Special Rapporteur on Violence against Women noted that violence seems to be increasing. In 2012, approximately 16,000 allegations of violent acts against women were reported. The Special Rapporteur also voiced concern over the increase in women who migrate due to gendered violence and insecurity. The consequences of this migration include increased violence, exploitation, disappearances, and forced displacement of families and communities.\(^\text{23}\)

There is no evidence to suggest that \textbf{female genital mutilation} is practised in Honduras.

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\textbf{Abortion} is legal in Honduras only to save the life of the woman.\(^\text{24}\)

Honduras, along with other countries in Central America, has come to be associated with the phenomenon of \textbf{femicide} – the murder of women because they are women. According to an article published in Gender & Development journal in 2007 looking at the phenomenon across the region, femicides represent the ultimate form of gender-based violence, “that is intrinsically linked to deeply entrenched gender inequality and discrimination, economic disempowerment, and aggressive or machismo masculinity.”\(^\text{25}\) The Commission Against Femicide – a coalition of women’s rights organisations in Honduras – stated at a press conference in September 2011 that “[a]gression against women and the murder of women have become systematic and habitual in the country.”\(^\text{26}\) Gang-related gun crime, political instability since the 2009 coup, and police and political indifference (resulting in a 2% rate of investigation of reported homicide cases) are said to be fuelling the high rates of femicide in Honduras.\(^\text{27}\) According to the 2010 Universal Periodic Review (UPR) carried out in Honduras, there were 1,588 femicide cases between the years 2005 and 2010, most of which resulted in impunity.\(^\text{28}\) A law specifically criminalising femicide was presented to Congress in 2011 and has since been added to the Penal Code.\(^\text{29}\)

In addition to femicide, there are reports of torture and other forms of cruel and inhumane treatment, including arbitrary arrest, of transgender women in Honduras.\(^\text{30}\) Although a Sexual Diversity Department was recently set up within the Prosecutor’s Office to address cases of violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) people, it has “not been supplemented with protocols and specialist instruction on how it should operate.”\(^\text{31}\) Further, violent attacks on transgender women in the family context are also reportedly common, resulting in 44-70% of transgender women and girls being thrown out of their homes. They are not offered shelter within the existing domestic violence support system.\(^\text{32}\)

\(^{22}\) Article 147-A of the Penal Code; CEDAW (2006), p. 14
\(^{23}\) Manjoor (2014)
\(^{24}\) UN DESA (2013)
\(^{25}\) Prieto-Carrón et al. (2007), p. 26
\(^{26}\) Social Watch (2011)
\(^{27}\) Repila (2013)
\(^{28}\) National Campaign Against Femicide (2011)
\(^{29}\) Manjoor (2014)
\(^{30}\) REDLACTRANS and International HIV/AIDS Alliance (2012), pp. 14-16
\(^{31}\) REDLACTRANS and International HIV/AIDS Alliance (2012), p. 22
\(^{32}\) REDLACTRANS and International HIV/AIDS Alliance (2012), p. 26
The UN Special Rapporteur on Violence voiced concern after her trip to Honduras in 2014 about the trafficking in persons for sexual exploitation. There were 27 registered complaints in 2013 of trafficking of women, but the UN Special Rapporteur noted the “hidden nature of the crime” and that human trafficking tends to go unreported.33

3. Son bias

The male-to-female sex ratio at birth in 2013 is 1.05 and for the working age population (15-64 years old) is 1.01.34 There is no evidence to suggest that Honduras is a country of concern in relation to missing women.

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In 2012, there were 38,388 male children out of school, compared to 28,188 female children. In addition, in 2012 the ratio of female to male enrolment was 99.6 for primary education and 121.8 for secondary education.35 Data from 2008-2012 provided by UNICEF indicates that there is not a significant gender gap in primary and secondary education.36

Based on 2002-2012 data from UNICEF, child labour affected males slightly more than females.37

4. Restricted resources and assets

As concerns secure access to land, Article 74 of the Law on Equal Opportunities for Women stipulates that women and men are equally entitled to benefit from the Land Reform Law; however, according to the latest data available (2003), women own only one-quarter of all plots in the country38 and great inequality exists in the distribution of land more broadly: 15% of the owners hold 50% of the usable agricultural land and only 20% of the agricultural land is worked by peasant groups.39 Further, socio-cultural norms generally recognise men as the heads of the families and, thus, as the landowners. Although the law specifies that land can be registered under the names of both spouses, this is rarely requested.40

From February to August 2010 the authorities issued 1,487 independent land ownership deeds: 482 were awarded to women. During the same period, 150 women received ownership rights for agricultural land – 28.40% of the total issued – while 71.60% went to men.41

Land rights and ownership have been particularly contentious with regard to indigenous groups, with conflict resulting from the Law on the Modernization of the Agricultural Sector, which increased

33 Manjoor (2014)
39 FAO (n.d.)
40 Lastarria-Cornhiel (2003), p. 12
41 Flores et al. (2012)
tensions between these groups, local landowners, municipal governments and agencies of the Honduran state, such as the National Agrarian Institute (INA) and the Honduran forestry service (COHDEFOR). There is no information on how these conflicts have affected women specifically.

There are no legal restrictions that obstruct Honduran women’s access to property other than land. With the aim of improving support for families, the Family Code reflects the Constitution regarding jointly owned assets and guarantees ownership rights in the case of divorce. In practice, however, the situation is similar to that of access to land. For example, access to housing is a particular problem for women as well as the population more broadly. According to the National Statistics Institute, the shantytown population increased from 900,000 in 1990 to 1,283,843 in 2010 in San Pedro Sula and Tegucigalpa. According to the Centro de Estudios de la Mujer (Centre for the Study of Women), “[m]ost of these buildings do not meet minimum standards and are vulnerable to landslides, floods and collapse caused by severe weather.”

In the area of financial services, according to the Centro de Estudios de la Mujer, women’s lack of access to land and property other than land means that they are unable to obtain credit. The last report by Honduras to the CEDAW Committee confirms this, noting that, despite the absence of legal discrimination, women have a long history of being subject to social discrimination in trying to access loans, largely due to their lack of access to land. As of 2011, only 14.9% of women had accounts at formal financial institutions, compared to 26.3% of men.

Women do make up the majority of microfinance borrowers in Honduras: 64% in 2010 and 60% in 2012.

5. Restricted civil liberties

There do not appear to be laws restricting women’s access to public space, though severe limitations are posed by the threat of femicide and violence against transgender women as noted in the Restricted Physical Integrity section.

There have, however, been periods in which women engaging in political activities have been particularly under threat. For example, after President Manuel Zelaya was forcibly removed from office by a coup in 2009, gender activists from the Feminist Observation Group (Observatorio Feminista), along with the Inter-American Commission on Human Rights, reported instances of women being verbally, physically, sexually and psychologically assaulted by soldiers during demonstrations against the militarily-installed caretaker government. According to the Feminist Observation Group, these women

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42 Minority Rights Group (2008)
43 FAO (n.d.)
44 Flores et al. (2012)
45 Flores et al. (2012); IACHR (2009)
46 CEDAW (2006), pp. 52-54
47 World Bank (2013)
48 Microfinance Information Exchange (2013)
were “sexually abused” by army personnel and demonstrators were “hit with truncheons on various parts of the body, particularly the breasts and the buttocks” and “verbally abused.”

Regarding political voice, women and men have the same legal right to vote and stand for election, and there are legislated candidate quotas at both the national and sub-national levels. Under Electoral Law 2009, Articles 105 and 116, the candidate lists of the political parties for the elections for the national congress, the Central-American parliament, and the regional and municipal councils must include at least 30% women candidates.

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Women in Honduras have the right to take 10 weeks of paid maternity leave (up to three months if ill) and must present their employers with a medical certificate stating that they are pregnant and giving the probable first day of leave. Social Security pays for two-thirds of their leave, with their employers covering the remainder. It is illegal to fire women who are pregnant or nursing or during the three months following childbirth. Women workers are also technically protected by legislation on sexual harassment (see Physical Integrity section) and equal pay (Labour Code, Article 367).

Despite these legislative protections, in Honduras, “[w]omen in the labour force are more likely than men to be clustered in part time and temporary jobs which are viewed as ‘women’s work’ and less well paid than ‘men’s work.’” The majority of women work in the informal sector, as domestic workers, or in the maquiladoras (where labour rights are routinely flouted). As such, few women in Honduras are able to benefit from these provisions.

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49 Flores et al. (2012)
50 CEDAW (2006), p. 25
51 The Quota Project (2013)
52 The Quota Project (2013)
53 ILO (2011)
54 FAO (n.d.)
55 Flores et al. (2012)
56 CEDAW (2007), p. 6
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National Campaign Against Femicide (2011) How the Threads of Impunity are Sewn Together: Femicides in Honduras. The National Campaign Against Femicides and The Women’s Tribune Against Femicides, p. 2 [in original Spanish].


