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**Committee on the Elimination of Discrimination  
against Women**

**Concluding observations on the combined seventh and eighth  
periodic reports of Honduras\***

1. The Committee considered the combined seventh and eighth periodic reports of Honduras (CEDAW/C/HND/7-8) at its 1447th and 1448th meetings, on 3 November 2016 (see CEDAW/C/SR.1447 and 1448). The Committee's list of issues and questions are contained in CEDAW/C/HND/Q/7-8 and the responses of Honduras are contained in CEDAW/C/HND/Q/7-8/Add.1.

**A. Introduction**

2. The Committee appreciates that the State party submitted its combined seventh and eighth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group. It welcomes the oral presentation of the delegation and the responses to the questions posed by the Committee during the dialogue.

3. The Committee commends the State party's on its delegation, which was headed by Ms. Ana Aminta Madrid Paz, Executive President of the National Institute of the Woman, and also included representatives from the National Congress, the Office of the President, the Vice-Mayor of San Pedro Sula, and from the Permanent Mission of Honduras to the United Nations Office at Geneva.

**B. Positive Aspects**

4. The Committee welcomes the progress achieved since the consideration in 2007 of the State party's combined fourth, fifth and sixth periodic reports (CEDAW/C/HON/CO/6) in undertaking legislative reforms, in particular the adoption of:

- a. The Law on Wage Equality, Decree No. 27-2015;
- b. The Law on Protection for Women and Men Human Rights Defenders, Journalists, Social Communicators and Justice Workers (Decree No. 34-2015) and regulations thereto (2016);
- c. Executive Decree PCM-057-2015 to eradicate child labour;

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\* Adopted by the Committee at its sixty-fifth session (24 October-18 November 2016).

- d. The Act for Protection of Earnings and Regularization of Informal Employment (Decree No. 318-2013) to incorporate workers from the informal sector, who are primarily women, in the public health and social security systems;
  - e. Decree No. 23-2013 to specifically criminalize femicide;
  - f. Decree 54-2012 establishing electoral quotas to increase the political participation of women; and,
  - g. The Law against Human Trafficking (Decree 59-2012) and regulations thereto.
5. The Committee welcomes the efforts of the State party to improve its institutional and policy framework with the aim of accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:
- a. The Second Plan for Gender Equality and Gender Equity 2010-2022;
  - b. The National Action Plan against Violence against Women 2014-2022; and,
  - c. The Policy and National Action Plan against Commercial Sexual Exploitation and Trafficking in Persons for 2016-2022.
6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2008).

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

### **National Congress**

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National Congress, in line with its mandate, to take necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

### **Visibility of the Convention**

8. The Committee recognizes the various initiatives aimed at raising awareness of the rights of women. However, the Committee remains concerned about the limited visibility of the Convention in society in general and among women themselves. It is also concerned that legal professionals and public officials have limited awareness of the Convention and the Committee's general recommendations, aggravated by the succession of government administrations and turnover of civil servants, police and law enforcement officials.

9. **The Committee reiterates its previous recommendation (CEDAW/C/HON/CO/6, para. 11) that the State party raise awareness about the Convention and the general recommendations of the Committee, and ensure that existing gender-sensitivity training programmes for legal professionals cover the provisions of the Convention. It also recommends that the State party carry out additional capacity-building initiatives among judges, lawyers, police and other relevant professionals in the judiciary and the police sectors concerned by the on-going institutional restructuring, to ensure adequate awareness of the rights arising from the Convention.**

**Definition of discrimination against women**

10. The Committee welcomes that the principles of equality and non-discrimination are enshrined in the Constitution of the State party and that the Honduran legal order ensures the primacy of international treaties, including the Convention, in domestic law. However, it is concerned that the State party's legislation contravenes article 1 of the Convention by restricting its scope to direct discrimination.

**11. The Committee recommends that the State party adopt a comprehensive definition of discrimination against women in national legislation, in line with article 1 of the Convention, to ensure that women are protected against direct and indirect discrimination by State as well as non-State actors. It also recommends that the State party ensure that the prohibition of discrimination against women is accompanied by the appropriate enforcement mechanisms and sanctions.**

**Access to Justice**

12. The Committee recognizes the resources allocated to the unit investigating violent deaths of women as a measure that may contribute to a better access to justice for women. However, the Committee is concerned about the barriers to women's access to justice, particularly in cases of gender based violence. It is concerned that the lack of independence and impartiality of the justice system is reinforced by insufficient resources, poor infrastructure, and lack of specialized units and personnel, including police, prosecutors and judges trained on gender issues, resulting in a dysfunctional and corrupt judiciary and an overall culture of impunity. The Committee is also concerned about the lack of proper investigation, evidence collection, and forensic facilities and capacities, causing lengthy delays in legal proceedings and re-victimization of women. It is concerned about women's reluctance to file complaints due to discriminatory attitudes among law enforcement personnel. The Committee further notes with concern the lack of an effective witness protection programme and that the comprehensive victim care model is only available as a pilot programme. It regrets women's lack of awareness of their rights under the Convention and their limited capacity to claim such rights, including limited access to free legal aid and to effective remedies.

**13. The Committee recalls its previous recommendation (CEDAW/C/HON/CO/6, para. 12) and its General Recommendation No. 33 (2015) on women's access to justice, and recommends that the State party:**

**a. Strengthen the judicial system, including through additional financial, technical and specialized human resources with a view to handling cases in a timely, gender-sensitive, non-discriminatory and competent manner;**

**b. Foster the professionalism, independence, and accountability of judges, prosecutors, and the police, including in selection, promotion, and dismissal procedures;**

**c. Ensure that all cases of gender-based violence against women are promptly and effectively investigated, that perpetrators are prosecuted and adequately punished, and that impunity is combated by investigating reported cases of corruption;**

**d. Ensure that women and girls have access to differentiated victim and witness assistance and protection programmes and promote the expansion and institutionalization of the pilot comprehensive victim care model;**

**e. Ensure that the Convention, the Committee's general recommendations, and the State party's relevant national legislation are an integral part of the mandatory legal education and training for judges, prosecutors, lawyers and law**

enforcement officers to adequately address gender equality and gender-based violence discrimination; and,

f. **Ensure access to legal aid services to women and girls, undertake awareness-raising campaigns to inform women and girls about their rights under the Convention, and disseminate information on the available legal remedies and their right to file complaints, including against government officials.**

#### **National machinery for the advancement of women**

14. The Committee notes with concern that the National Women's Institute, INAM, lacks the rank, status and resources necessary to effectively promote the implementation of the Convention and mainstream gender equality across all Departments and sectors. The Committee notes efforts to introduce gender-responsive budgeting. It is concerned, however, that decentralization has resulted in a lack of harmonization of gender equality policies and budget allocations, particularly at local levels, and a continued dependence on international donor funding. It is especially concerned about:

a. The absence of institutionalization of the Second Gender Equality and Equity Plan and the insufficient available information on its implementation;

b. The lack of functioning gender units in decision-making government sectors and the adverse impact of staff turnover on the national machinery due to government changes and restructuring, especially at the local level; and,

c. Uncertainty about the role and division of responsibilities of municipal offices of women.

15. **The Committee reiterates its previous recommendation (CEDAW/C/HON/CO/CO/6, para. 17) that the State party strengthen the INAM by significantly increasing its human and financial resources and technical capacity to effectively implement its mandate and that it has sufficient authority to bring attention to gender equality issues in all laws, policies and national action plans and to ensure the effective coordination of government policies on gender equality. It also recommends that the State party adopt a gender mainstreaming strategy at all levels of government, with clear timelines and measurable benchmarks. The Committee further recommends that the State party:**

a. **Ensure that each ministry allocates a special budget for the effective implementation of the Second Gender Equality and Equity Plan and establish impact assessment mechanisms to properly monitor and evaluate the Plan;**

b. **Provide continuous capacity-building on women's human rights and establish permanent gender units to prevent that changes in government adversely impact the expertise and continuity in the work of the national machinery and its successors; and,**

c. **Clarify the role, composition and division of responsibilities among the municipal offices of women and gender units within each government department and coordination mechanisms between the national and local levels.**

#### **National Human Rights Institution**

16. The Committee is concerned that the National Human Rights Commission (CONADEH) lacks the necessary resources and independence to effectively carry out its mandate. It notes that CONADEH was downgraded to category B status by the Global Alliance of National Human Rights Institutions' Sub-Committee on Accreditation.

17. **The Committee recommends that the State party adopt the necessary legislative and administrative measures to implement the recommendations of the Global**

**Alliance of National Human Rights Institutions to enable the National Human Rights Commission to play a key role in the protection and promotion of women's rights and promotion of gender equality.**

**Temporary special measures**

18. The Committee is concerned that the information provided by the State party indicates a lack of adequate understanding of the nature, scope, and necessity of temporary special measures aimed at accelerating substantive equality of women and men, in accordance with article 4, paragraph 1, of the Convention. It is further concerned at the absence of temporary special measures in areas other than electoral quotas, particularly to address intersecting forms of discrimination against women from indigenous or Afro-Honduran communities, rural areas or women with disabilities.

**19. Recalling its General Recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, to accelerate substantive equality of women with men, particularly regarding women from indigenous or Afro-Honduran communities, rural women or women with disabilities, including in political life and in the areas of health, education, vocational training and employment.**

**Stereotypes and harmful practices**

20. The Committee is concerned by the ineffectiveness of measures to eliminate patriarchal attitudes and entrenched discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society which impede the implementation of the Convention and are a root cause of violence against women. The Committee is further concerned that these measures do not address intersecting forms of discrimination against women. It is equally concerned that the reliance on funding from international donors for awareness-raising campaigns, education and training programmes, may adversely impact the sustainability of these initiatives.

**21. The Committee recommends that the State party adopt coordinated and adequately-funded measures to eliminate patriarchal attitudes and discriminatory stereotypes on the roles and responsibilities of women and men in society and in the family. It also recommends that the State party address intersecting forms of discrimination against women, based on their age, ethnic or indigenous origin, socioeconomic or other status, rural or urban location, or being LGBTI.**

**Gender-based violence against women**

22. The Committee notes the on-going process of reform to the Criminal Code. The Committee regrets, however, the persistently high levels of domestic violence, particularly against girls. It is equally concerned about the increasing incidence of gender-based violence against women, including the high prevalence of sexual violence, abduction, disappearance and murders of women, as well as femicide. The Committee is further concerned about the lack of sufficient preventive strategies and about:

a. Persistent impunity for acts of violence against women, sexual violence and femicide, as well as violence against women perpetrated by State officials and the military despite the National Action Plan against Violence against Women 2014-2022;

b. The lack of clearly defined and harmonized procedures, protocols and resources to provide protection to women victims of gender-based violence against women;

c. The correlation in the proliferation and use of firearms and femicide, which is allegedly the second cause of death among women of reproductive age in the State party;

d. Underreporting of violence against women, due to women's fear of retaliation and their lack of trust in the authorities;

e. The lack of standardized protocols with a gender perspective for investigating and prosecuting cases of violence against women and femicide; and,

f. The lack of updated disaggregated data, including a consistent official registry of disappearances or a protocol to follow-up on cases of disappearances, and limited information-sharing between law enforcement officers and the Public Prosecutor's Office.

**23. The Committee, recalling its previous recommendations (CEDAW/C/HON/CO/6, para. 19) and its General Recommendation No. 19 (1992) on violence against women, recommends that the State party ensure that any reform to the Criminal Code upholds international human rights standards, including the Convention. It also recommends that the State party:**

**a. Implement existing laws to criminalize all forms of violence against women and ensure that cases are investigated, and perpetrators are prosecuted and adequately punished and ensure the implementation of the National Action Plan against Violence against Women 2014-2022 with adequate accountability and monitoring mechanisms;**

**b. Ensure that women and girls have access to effective redress and protection including a sufficient number of shelters, especially in rural areas, providing specialized care to victims of sexual violence, comprising legal and psychosocial rehabilitation and reintegration programmes, in cooperation with civil society organizations;**

**c. Strengthen its legislative framework regarding possession of firearms and expedite the adoption of the draft Law for Access to a Life Free of Violence (*Ley Integral para el Acceso a una vida libre de violencia*) introduced to the National Congress;**

**d. Provide mandatory training to law enforcement personnel and judicial officials and professionals in related areas such as health and social work, on the strict application of criminal law provisions to prosecute and adequately punish acts of gender based violence, regularly monitor such application, and ensure that those officials who fail to apply such legislation are appropriately sanctioned;**

**e. Ensure that the definition of the crime of femicide in the new criminal code is aligned with international standards, in particular the *Belen do Para* Convention, and develop and adopt standard protocols to investigate cases of disappearance of women and femicide in all parts of the country; and,**

**f. Adopt specific protocols to unify procedures for reporting cases of violence and centralize the regular collection of data on violence against women, disaggregated by type of violence and the relationship between perpetrators and victims.**

#### **Trafficking and exploitation of prostitution**

24. The Committee welcomes the creation of the Interagency Commission against Commercial Sexual Exploitation and Trafficking in Persons. However, it remains concerned at the high incidence of trafficking in persons, particularly women and girls, for purposes of sexual exploitation. It notes with concern that women and girls from rural areas and indigenous and Afro-Honduran communities are at high risk of becoming victims of trafficking for sexual exploitation or forced labour, owing to the poverty and increasing income inequality. The Committee is further concerned by:

- a. The insufficient human, technical and financial resources allocated to the implementation of legal and other measures to combat human trafficking;
- b. The lack of programmes and specialized centres for victim rehabilitation and assistance, and the heavy reliance on civil society organizations to provide rehabilitation services and shelter to victims of trafficking;
- c. The lack of disaggregated data on the extent and causes of trafficking in the State party, as well as shortcomings in registering complaints, prosecuting cases and information-sharing among institutions, including the Public Prosecutor and the Interagency Commission against Commercial Sexual Exploitation and Trafficking in Persons;
- d. Limited attention paid to the links between trafficking for sexual exploitation and organized crime in neighbourhoods, as well as collusion by the police; and,
- e. The lack of exit programmes and alternative income generating opportunities for women who wish to leave prostitution and police harassment and client violence against them.

**25. Reiterating its previous recommendation (CEDAW/C/HON/CO/6, para. 21), the Committee recommends that the State party:**

- a. Effectively implement anti-trafficking legislation and strengthen coordination among the Interagency Commission against Commercial Sexual Exploitation and Trafficking in Persons, the Public Prosecutor's Office and the police to ensure the protection of women and girls who are victims of trafficking;**
- b. Ensure that victims of trafficking have free and immediate access to shelters, medical care, psychosocial counselling, legal assistance and specialized rehabilitation and reintegration services;**
- c. Conduct studies and surveys to better understand the nature, causes and consequences of trafficking and exploitation of prostitution in the territory and collect data on its prevalence among women and girls, with a view to address their root causes;**
- d. Build capacity and accountability of the police and law enforcement officers to address organized crime linked to trafficking, including through international, regional and bilateral cooperation to prevent trafficking through the exchange of information and practices and the possible harmonization of legal procedures for prosecuting and punishing traffickers; and,**
- e. Provide exit programmes and alternative income generating opportunities to women who wish to leave prostitution, and adopt measures to stop client violence against women in prostitution.**

#### **Participation in political and public life**

26. The Committee remains concerned that women, including women from disadvantaged and marginalized groups, remain significantly underrepresented in all areas of political and public life, in both elected and appointed posts. It is also concerned that the lengthy delays in the adoption of the regulations to implement Decree 54-2016 establishing electoral quotas of 50 per cent of women candidates may have a negative impact on their effective application, particularly concerning the internal elections of political parties currently underway and women's effective inclusion in national elections. The Committee notes that the bill on "Harassment and Political Violence towards Women" is underway. The Committee is concerned, however, that women, particularly in rural and peasant farmer communities face repression, discrimination and violence in their participation in political and public life.

27. The Committee reiterates its previous recommendation (CEDAW/C/HON/CO/6, para. 23) that the State party adopt legal provisions for the use of measures including temporary special measures, such as outreach or support programmes, reallocation of resources or the establishment of numerical goals and targets connected with timeframes, in accordance with article 4, paragraph 1, of the Convention and the Committee's General Recommendation No. 25 (2004) on temporary special measures and No. 23 (1997) on women in political and public life in order to:

a. Increase women's participation in political and public life, in particular in the parliament, in decision-making posts in the government, in the judiciary and the diplomatic service;

b. Ensure that legislated quotas of 50 per cent of women are fully implemented in all elections at the national and local levels;

c. Take into account the Inter-Parliamentary Union's Issues Brief on "Sexism, harassment and violence against women parliamentarians", expedite the adoption of the bill on "Harassment and Political Violence towards Women", and enforce laws on gender equality and freedom from violence and discrimination against women in the sphere of political and public life; and,

d. Implement awareness-raising activities about the importance of women's participation in decision-making for society as a whole.

#### **Women human rights defenders**

28. The Committee is concerned about:

a. The increasingly repressive measures as well as attacks, sexual violence, harassment, intimidation, reprisals, and defamation campaigns against woman human rights defenders, particularly in contexts of land development projects, advocacy for environmental protection, and the defense of the human rights of women from indigenous and Afro-Honduran communities;

b. The lack of effective protection of women human rights defenders and impunity enjoyed by perpetrators, in the absence of effective investigations, prosecutions and convictions for crimes against women human rights defenders;

c. The deaths of human rights defenders, particularly Margarita Murillo in 2014 and Berta Cáceres in 2016, despite the repeated denunciations of the situation of risk and harassment they faced and protective measures issued by the Inter-American Commission of Human Rights; and,

d. The criminalization of social protest and restrictions to the right to peaceful assembly of women human rights defenders.

29. **The Committee recommends that the State party:**

a. **Adopt and apply, without delay, effective measures for the protection of women human rights defenders to enable them to freely undertake their important work, without fear or threat of violence or harassment;**

b. **Apply the Law on Protection for Human Rights Defenders, Journalists, Social Communicators and Justice Workers and develop a protocol with a gender perspective for investigating, prosecuting and punishing attacks and other forms of abuse committed against women human rights defenders;**

c. **Effectively investigate, prosecute and adequately punish all cases of violence against women human rights defenders, including in cases of violence against women defending the right to land or other natural resources; and,**



**d. De-criminalize social protest and peaceful assembly and put an end to the prosecution of women human rights defenders for their activities in exercise of their human rights.**

#### **Nationality**

30. The Committee commends the State party for its nationality law and its efforts to register births. However, the Committee is concerned about the persisting barriers to birth registration, particularly in rural areas and among indigenous and Afro-Honduran communities. It is also concerned about the lack of information provided on the steps taken to ensure that children in border areas and children in a migratory situation, including unaccompanied children participating in return programs, have access to birth registration and personal documents. The Committee is further concerned about the absence of information on monitoring of return and reintegration processes and their impact on family reunification.

**31. The Committee recommends that the State party ensure that all births are registered in the State party, including in rural areas and indigenous and Afro-Honduran communities. It also recommends that the State party ensure that all children born in exceptional situations, including in a migration context or in border areas, are registered in the National Registry of Persons and provide them with personal documents. It also recommends that the State party monitor return processes and their impact on family reunification with a gender perspective.**

#### **Education**

32. The Committee welcomes efforts to improve the access of girls and women to inter-cultural bilingual education. The Committee is concerned, however, about the insufficient measures taken to ensure access to education for all girls and to improve the quality of education. It is equally concerned that illiteracy rates and secondary school drop-out rates for girls in rural and remote areas and among indigenous and Afro-Honduran communities remain disproportionately high compared to the rest of the population, often due to poverty, early pregnancy and marriage, and child labour. The Committee is further concerned at the high rates of sexual violence and harassment of girls in and on the way to and from school and notes the absence of effective complaint mechanisms. It also notes with concern the limited integrated sexual and reproductive health education in school curricula. The Committee further notes with concern the absence of information on access to education, including mainstream education, for girls with disabilities.

**33. The Committee recommends that the State party:**

**a. Ensure that girls in rural and remote areas and from indigenous and Afro-Honduran communities have equal access to quality education at both the primary and secondary levels;**

**b. Establish effective reporting and accountability mechanisms to ensure that perpetrators of sexual abuse or harassment of girls in the school environment are prosecuted and adequately punished;**

**c. Strengthen efforts to retain girls in school and ensure that young mothers can effectively re-enter school following childbirth;**

**d. Ensure the integration of age-appropriate information and education on sexual and reproductive health and rights for girls and boys within the school curriculum at all levels of education, and train teachers to address such topics in a gender-sensitive manner; and,**

e. **The Committee calls upon the State party to provide information in its next report about the inclusion of women and girls with disabilities in the regular education system, including through awareness-raising and media campaigns.**

### **Employment**

34. The Committee reiterates its concern about the disproportionately high unemployment rate among women, their concentration in low-paid jobs in the informal sector and persistent horizontal and vertical occupational segregation. It notes with concern:

a. The lack of targeted measures to facilitate women's entry into the formal sector;

b. The persistent gender wage gap, women's job insecurity linked to illegal pregnancy and HIV-AIDS testing without women's informed consent in *maquila* industry in hiring and job retaining procedures, and inadequate working conditions, mainly in *maquila* industry and including in situations of child labour;

c. The lack of regulations on decent working conditions and labour rights to protect women from exploitative labour practices, including in domestic work in private homes;

d. The absence of information on labour inspections in industries and private households where women are predominantly employed, and reports of violence and sexual harassment against women in the workplace; and,

e. Exploitation of women in the agro-industrial sector in the south of the State party, where they are exposed to dangerous chemicals and pesticides harmful to their health, particularly their reproductive health.

35. **The Committee recommends that the State party conduct a survey on the number of women workers and the characteristics of their work and adopt policies and concrete measures to eliminate occupational segregation. It also recommends that the State party:**

a. **Ensure equal opportunities for women and men in the labour market, including through the use of targeted measures to promote women's access or transition to the formal sector;**

b. **Strengthen measures to close the gender pay gap, enforcing the principle of equal pay for work of equal value and implement laws providing that women and girls in the informal sector are covered by labour legislation and social protection (Decree No. 318-2013), expedite the adoption and implementation of the Roadmap to eradicate the worst forms of child labour introduced to the Council of Ministers and effectively enforce laws against child labour, particularly in remote geographic areas and labour sectors such as agriculture, domestic work and the *maquila* industry;**

c. **Adopt and enforce the necessary legal and other measures to promote decent work for women in the informal sector, including domestic workers, apply sanctions for employers who violate women's rights at work, and ratify the International Labour Organization's Convention No. 189 concerning decent work for domestic workers;**

d. **Increase the human, technical and financial resources of the labour inspectorate to investigate and monitor decent working conditions and labour rights of women and girls and detect discriminatory practices against women the field of employment, particularly in the informal sector, and prosecute and adequately punish cases of sexual violence and harassment against women in the workplace and strengthen data collection mechanisms; and,**

**e. Adopt measures to address health and occupational hazards particularly for women employed in the agro-industrial sector.**

**Health**

36. The Committee welcomes efforts to reduce the maternal mortality rate. The Committee is concerned, however, that women have limited access to sexual and reproductive health in the State party. It is further concerned about:

a. The criminalization of abortion without exceptions resulting in a high number of women and girls seeking unsafe abortion and increasing maternal mortality;

b. The prohibition of the promotion, use, sale, purchase, and any policy or programme related to emergency contraception, as well as the free or paid distribution and commercialization of emergency contraception medicines, including when pregnancy results from rape or incest, and that the Supreme Court of Justice declared the constitutionality of this prohibition in 2012;

c. The lack of studies to evaluate the impact of the criminalization of abortion and the prohibition of the prescription, sale and use of emergency contraception, including in cases of rape and incest;

d. Women's lack of adequate access to information on their sexual and reproductive health and rights, including responsible sexual behaviour, and the lack of reasonable and affordable access to family planning and services and contraceptive methods, with 71 per cent of women with unmet needs in this regard; and,

e. The insufficient information on measures to prevent sexually transmitted infections.

37. **Taking into account its statement on sexual and reproductive health and rights, adopted at its fifty-seventh session, in February 2014, the Committee notes that unsafe abortion is a leading cause of maternal morbidity and mortality. As such, the Committee recommends that the State party:**

**a. Look into positive experiences and practices of countries in the region, including from those countries with similar cultural and religious visions, and around the world which have reviewed their restrictive interpretation of therapeutic abortion, and accepted circumstances under which abortion must be decriminalized, namely, at least in cases of rape or incest, threats to the life and/or health of the woman, and severe foetal impairment;**

**b. Conduct an assessment on the impact on the physical and mental health of women and girls of the total criminalization of abortion and the ban on emergency contraception, as well as the free or paid distribution and commercialization of emergency contraception medicines, particularly on women and girls who are victims of sexual abuse, with a view to lifting the ban and criminalization;**

**c. Ensure that women, especially women living in poverty and rural women, have access to quality sexual and reproductive health services, covering family planning, the prevention of early pregnancies and of sexually transmitted infections and emergency post-abortion care; and,**

**d. Strengthen initiatives to ensure that adolescents and young women and men, particularly those out of school, have access to accurate information about their sexual and reproductive health and rights, including responsible sexual behaviour.**

**HIV/AIDS**

38. The Committee welcomes the National Strategic Plan on Response to HIV and AIDS in Honduras (PENSIDA IV) 2015-2019. However, it remains concerned about the

high rates of infection of HIV/AIDS among women, and the fact that existing laws and policies to combat HIV/AIDS lack a gender perspective. The Committee is equally concerned about the persisting stigmatization of persons living with HIV/AIDS, which mostly affects women, particularly pregnant women, women in prostitution and Afro-Honduran women.

39. **The Committee recommends that the State party:**

a. **Ensure equal access for women and men to HIV/AIDS treatment and prevention and free access for women and girls to anti-retroviral medicines to prevent mother-to-child transmission;**

b. **Promote voluntary HIV/AIDS testing and raise awareness among women and men, including those with risky sexual behaviours and those living with HIV/AIDS, on their responsibilities in reducing transmission of HIV/AIDS and other sexually transmitted diseases to their sexual partners; and,**

c. **Conduct a study in the different geographic areas of the State party to obtain updated disaggregated data on the HIV/AIDS prevalence.**

#### **Economic and social benefits and economic empowerment of women**

40. The Committee notes the various plans and programmes adopted to promote social development. However, the Committee is concerned about the high level of inequality in Honduran society which is an impediment to the realization of women's human rights. It regrets the lack of information about the impact that the diverse social protection programmes have on the life of women, as most information was disaggregated to the "family" level, as well as about measures to ensure access to these programmes by the most marginalized groups of women, including indigenous and Afro-Honduran women. It is concerned that the piecemeal approach to social development and protection and poverty reduction programmes has not been effective for the sustainable economic empowerment of women.

41. **The Committee recommends that the State party decentralize and ensure access to social protection programmes and other programmes aiming at the economic empowerment of women who need them most, particularly in rural and remote areas and among indigenous and Afro-Honduran communities. It further recommends a more systematic and rights-based approach to social protection and poverty reduction programmes and that the State party set up a system for the adequate collection of disaggregated data and gender analysis on the impact of social protection programmes on women's enjoyment of their human rights.**

#### **Rural women**

42. The Committee notes efforts for the optional joint registration of land. The Committee is concerned, however, about the persistent discrimination against rural women, particularly indigenous women and women of African descent and about:

a. The numerous barriers in their access to land and protection of their natural resources, including due to the lack of consultations with rural women about large scale development projects, tourism projects, agro-industry and hydro-electric projects carried out by foreign investors and private enterprises as well as the adverse impact of climate change on women, including intense drought, lost crops and scarcity of water and food;

b. The negative impact on women's control over land and natural resources because of business and development projects which result in internal displacement of women and girls, forced eviction, labour exploitation, serious health consequences, sexual abuse and violence and trafficking;

c. Intimidation of rural women, including peasant and community leaders, participating in peaceful protest to protect their land and criminalization of their activities; and,

d. Reports of cases where resources, including emergency food and social support programmes, have been subject to corruption and tied to political ends instead of targeted recipients.

43. **Recalling article 14 of the Convention and the Committee's General Recommendation No.34 (2016) on the rights on rural women, the Committee recommends that the State party:**

**a. Comply with ILO Convention No. 169 on Indigenous and Tribal Peoples, seeking the free and informed consent obtained through consultations with indigenous peoples and ensuring they benefit from extractive activities and development projects on their land and include women as active participants in the formulation and implementation of national policies and action plan on climate change, disaster response and risk reduction; Broaden and facilitate rural women's access to land ownership, including through the mandatory registration of land under the joint names of the married couple and setting targets for joint titles, and include an explicit gender perspective in national policies, programmes and initiatives fostering agricultural activities, particular for indigenous and Afro-Honduran women;**

**b. Adopt measures to protect the rights of the rural women, including by holding businesses accountable for practices that negatively affect the health, well-being and security of women workers and allocate adequate resources for the National Agrarian Institute to ensure compliance with the protocol established for evictions ordered by the competent courts so they are carried out without excessive use of force or violence and are subject to strict procedural safeguards;**

**c. Establish a legal framework to ensure that large-scale development projects, agro-industry and other business projects do not further undermine rural women's rights to land ownership and livelihoods and ensure that development projects are implemented only after gender impact assessments involving rural women have been undertaken; and,**

**d. Strengthen mechanisms, including effective audits, for the adequate identification of women in situations of emergency who are entitled to food and social support programmes.**

#### **Disadvantaged groups of women**

##### *Internally displaced women, refugees and asylum seekers*

44. The Committee is concerned about the specific situation of children, particularly girls, left behind in the State party by migrant family members. It is also concerned about the situation of internally displaced women and children, whose displacement is directly linked to the high rates of violence and crime in the State party, including by gangs or transnational organized crime, and is particularly concerned about the situation of women in the corridor of drugs and violence along the border region.

45. **The Committee recommends that the State party:**

**a. Collect disaggregated data on the specific situation of children, particularly girls, in the State party left behind by migrant family members;**

**b. Increase and expedite its efforts to prevent the causes of displacement and to meet the specific protection needs of internally displaced women;**

c. **Adopt additional urgent measures, including the adoption of an integral policy to provide comprehensive protection and assistance to internally displaced women; and,**

d. **Increase its efforts, including through increased bilateral, regional and international cooperation, to effectively address drug and gang-related violence causing internal displacement.**

*Women in detention*

46. The Committee is concerned at the large number of women in pre-trial detention and the lack of measures aimed at guaranteeing women's access to justice. It is also concerned about the insufficient health and sanitary conditions of women in detention, including pregnant women and women detained with their children.

47. **The Committee recommends that the State party reduce the length of pretrial detention, finding alternatives to detention, and strengthening the effectiveness and independence of the judiciary. It also recommends that the State party ensure that women in detention have adequate health and sanitary conditions.**

**Marriage and family relations**

48. The Committee notes amendments to the Family Code regarding the economic regime of marriage. However, it is concerned that provisions in the same Code continue to allow for child marriage of girls below the age of 16 years, and notes that such marriages have serious consequences for girls, including as regards their health and education. It notes with concern that same sex couples have no possibility to register their partnerships in the State party. The Committee is also concerned about the absence of implementing regulations for the Responsible Parenthood Act.

49. **Recalling the Committee's General Recommendation No. 29 (2013) on article 16 of the Convention, the Committee recommends that the State party:**

a. **Provide information in its next report on the impact of the economic regime of community of property on women;**

b. **Adopt and enforce legislation to prohibit child marriages and unify the legal minimum age of marriage at 18 years for women and men;**

c. **Address the root causes of child marriage and strengthen programmes to promote women's right to free choice of a spouse and to enter marriage only with their free and full consent, on an equal basis with men;**

d. **Consider practices from countries in the region that allow the registration of same sex partnerships; and,**

e. **Expedite the adoption of implementing regulations for the Responsible Parenthood Act.**

**Data collection and analysis**

50. The Committee is concerned at the lack of accurate statistical information disaggregated by sex, age, geographical location, ethnic origin and socioeconomic background in many areas covered by the Convention.

51. **The Committee reiterates its previous recommendation (CEDAW/C/HON/CO/6, para. 31) and recommends that the State party enhance the collection and analysis disaggregated data by sex, age, geographical location, ethnic origin and socioeconomic background, indicating the impact of measures taken and the results achieved in the practical realization of women's substantive equality. The Committee also recommends that the State party develop measurable indicators to**

assess trends in the situation of women and progress towards the realization of women's substantive equality in all areas covered by the Convention. In this regard, it draws the State party's attention to the Committee's General Recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to develop gender-sensitive indicators which could be used in the formulation, implementation, monitoring, and evaluation and, when necessary, review of women's and gender equality policies.

#### **Optional Protocol and amendment to article 20, paragraph 1, of the Convention**

52. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

#### **Beijing Declaration and Platform for Action**

53. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

#### **2030 Agenda for Sustainable Development**

54. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

#### **Dissemination**

55. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the National Congress and to the judiciary, to enable their full implementation.

#### **Technical Assistance**

56. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

#### **Ratification of other treaties**

57. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, to which it is not yet a party.

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

**Follow-up to concluding observations**

58. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 13, subparagraphs (a) and (d) and 29, subparagraphs (a) and (b) above.

**Preparation of the next report**

59. The Committee invites the State party to submit its ninth periodic report in November 2020. In case of delay, the report should cover the entire period until the time of submission.

60. The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1).

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