



**Human Rights Watch Submission
to the United Nations Committee on the Elimination of Discrimination Against Women
Review of Honduras
83rd Session
September 2022**

We write in advance of the 83rd Session of the Committee on the Elimination of Discrimination Against Women (“the Committee”) and its review of Honduras to highlight areas of concern regarding the government of Honduras’ compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This submission addresses articles 1, 10, 11, 12, and 16 of the Convention and covers access to abortion and contraception and discrimination and violence against lesbian, bisexual, and trans women.

Access to abortion and emergency contraception (articles 12, 16)

Abortion remains illegal under all circumstances, including when the life of the pregnant person is in danger. People who undergo abortions, and those who provide them, face up to six years in prison. In January 2021, Congress passed a constitutional amendment increasing the majority needed to amend the provision banning abortion from two-thirds to three-quarters, complicating future reform.¹ Emergency contraception, or the “morning after pill,” which is used to prevent pregnancy after rape, unprotected sex, or a contraceptive failure, is also prohibited.²

In 2019, Human Rights Watch documented how Honduras’ total ban on abortion and emergency contraception violates the rights of women and girls and puts their health and lives at risk.³ The report included the testimony of Honduran women confronting the cruel effects of the abortion ban, including a woman forced to bear her rapist’s child; a woman facing jail after having a

¹ “Honduras: Attack on Reproductive Rights, Marriage Equality,” Human Rights Watch news release, January 23, 2021, <https://www.hrw.org/news/2021/01/23/honduras-attack-reproductive-rights-marriage-equality>; Tatiana Arias, “How lawmakers made it nearly impossible to legalize abortion in Honduras,” *CNN News*, January 31, 2021, <https://www.cnn.com/2021/01/31/americas/honduras-abortion-ban-ratified-intl/index.html> (accessed July 28, 2022).

² Government of Honduras, Decreto 54-2009, April 2, 2009, <https://data.miraquetemiro.org/sites/default/files/documentos/Decreto%2054-2009,%20Prohibibi%C3%B3n%20de%20la%20PAE,%20Honduras.pdf> (accessed July 27, 2022).

³ Amy Braunschweiger and Margaret Wurth, “Life or Death Choices for Women Living Under Honduras’ Abortion Ban,” commentary, Human Rights Watch Witness piece, June 6, 2019, <https://www.hrw.org/news/2019/06/06/life-or-death-choices-women-living-under-honduras-abortion-ban>.

miscarriage; women who had unsafe abortions; a doctor who cannot always act in her patients' best interests; and a pastor who faced death threats for her activism.

In Honduras, 56 percent of pregnancies between 2015 and 2019 were unintended.⁴ Unintended pregnancies can be caused by rape. In 2019, the Public Ministry received 2,773 complaints of sexual violence against women and girls. Based on this data, the most affected age groups include girls and women between the ages of 10 and 19 (representing 54 percent of cases), girls age 9 and under (13 percent), and women between the ages of 20 and 29 (12 percent). In 2021, the number of complaints of sexual violence the Public Ministry received rose to 2,896.⁵ Human Rights Watch has heard from women who were raped and forced to proceed with their pregnancies.⁶

Honduras' bans on abortion and emergency contraception may have particularly harmful impacts on adolescents. Honduras has the second highest rate of teenage pregnancies among Latin American countries.⁷ Between 2004 and 2020, the adolescent birthrate was 89 per 1,000 girls and women aged 15 to 19,⁸ higher than the regional average of 61 per 1,000, and more than double the world average.⁹ In 2020, 23,180 girls and women between the ages of 10 and 19 gave birth.¹⁰ While not all these pregnancies are unwanted, adolescents can have more to lose from an unplanned pregnancy—like missing out on school or being pressured to get married—and often have less access than adults to information, resources, and support to be able to safely end a pregnancy.

Abortion bans do not end the practice, but rather drive it underground, which can have negative consequences on pregnant people's health and lives. UN human rights experts estimate that the

⁴ Guttmacher Institute, "Country Profile: Honduras," <https://www.guttmacher.org/geography/latin-america-caribbean/honduras> (accessed July 28, 2022).

⁵ Centro de Derechos de Mujeres, Observatorio de Derechos Humanos de las Mujeres, "Violencia sexual contra niñas y mujeres en Honduras – 2021," June 2022, https://derechosdelamujer.org/wp-content/uploads/2022/06/Boletin_VS2022.pdf (accessed July 28, 2022).

⁶ "Life or Death Choices for Women Living Under Honduras' Abortion Ban," <https://www.hrw.org/news/2019/06/06/life-or-death-choices-women-living-under-honduras-abortion-ban>.

⁷ United Nations, "Honduras: Expertas de la ONU deploran la enmienda constitucional que ataca el derecho al aborto seguro," January 19, 2021, <https://news.un.org/es/story/2021/01/1486792> (accessed July 29, 2022).

⁸ UN Population Fund (UNFPA), "Seeing the Unseen: The case for action in the neglected crisis of unintended pregnancy," 2022, https://www.unfpa.org/sites/default/files/pub-pdf/EN_SWP22%20report_o.pdf (accessed July 29, 2022).

⁹ UNFPA, "Un drama televisivo hondureño ilustra las realidades del embarazo en adolescentes," November 4, 2020, <https://www.unfpa.org/es/news/un-drama-televisivo-hondureno-ilustra-las-realidades-del-embarazo-en-adolescentes#:~:text=Seg%C3%BAn%20el%20reciente%20informe%20del,del%20doble%20del%20promedio%20mundial> (accessed July 29, 2022).

¹⁰ Centro de Derechos de Mujeres, Observatorio de Derechos Humanos de las Mujeres, "Violencia sexual en Honduras 2019-2020," January 2021, https://derechosdelamujer.org/wp-content/uploads/2021/08/Boletin-VS-2019-2020_final.pdf (accessed July 29, 2022).

number of unsafe abortions in Honduras could be between 51,000 and 82,000 per year.¹¹ In 2021, the Honduran Secretariat of Health reported 10,233 hospital discharges for abortion, which may also include miscarriages classified as abortions.¹² This number, a fraction of the estimated number of unsafe abortions, could be explained by many factors, such as not seeking emergency medical care for complications of abortions done outside the hospital, as well as fear of criminalization or being reported to the police, whether due to an attempted abortion or fear that a miscarriage could be seen as an attempted abortion.¹³ This was indeed the result for a 22-year-old woman Human Rights Watch spoke to in 2019, who after going to the hospital to treat a miscarriage, was arrested after doctors called the police for a suspected abortion. She was placed under pretrial supervision and waited over two years for her court date.¹⁴

Human Rights Watch research worldwide shows that criminalizing abortion not only undermines the ability of women and girls to access essential reproductive health services, but it also exacerbates inequalities and discrimination.¹⁵

Human Rights Watch recommends that the Committee call on the government of Honduras to:

- Decriminalize abortion and ensure that the health system is prepared to provide comprehensive sexual and reproductive education and care, including safe abortion care, without discrimination, stigma, or revictimization.
- Abrogate the 2009 resolution prohibiting the promotion, use, sale, or purchase of the emergency contraception pill and ensure that it is available and accessible to all.
- Ensure access to comprehensive sexual and reproductive health information, psychosocial support for women and girls in the event of unwanted pregnancies, and post-abortion care for those who may have had unsafe abortions.
- Introduce and enact legislation or use executive authority to protect patient-doctor confidentiality. No criminal proceeding should be started based on information given by women and girls seeking health care.

Discrimination and violence against lesbian, bisexual, and trans women (articles 1, 10, and 11)

Discrimination and violence against lesbian, bisexual, and trans women are pervasive in Honduras. In 2020, Human Rights Watch released a report documenting abuses against LGBT

¹¹ UN, “Honduras: Expertas de la ONU deploran la enmienda constitucional que ataca el derecho al aborto seguro,” January 19, 2021, <https://news.un.org/es/story/2021/01/1486792> (accessed July 29, 2022).

¹² Centro de Derechos de Mujeres, Observatorio de Derechos Humanos de las Mujeres, “Violencia sexual contra niñas y mujeres en Honduras - 2021,” https://derechosdelamujer.org/wp-content/uploads/2022/06/Boletin_VS2022.pdf.

¹³ Ibid.

¹⁴ “Life or Death Choices for Women Living Under Honduras’ Abortion Ban,” <https://www.hrw.org/news/2019/06/06/life-or-death-choices-women-living-under-honduras-abortion-ban>.

¹⁵ Human Rights Watch, “Sexual and Reproductive Health,” <https://www.hrw.org/topic/health/sexual-and-reproductive-health>.

Hondurans, including discrimination in access to employment and education, domestic violence, sexual assault, and murder.¹⁶ Human Rights Watch interviewed six lesbian or bisexual women, and nine trans women, all of whom were victims of anti-LGBT abuses.¹⁷

Honduras has no comprehensive civil law prohibiting discrimination on the basis of sexual orientation and gender identity. In 2013, Honduras enacted a penal code reform that provided for higher penalties for all bias-motivated crimes on grounds including sexual orientation and gender identity,¹⁸ but there are no confirmed convictions.¹⁹ Since 2017, criminal complaint forms have included a box that can be ticked if the victim reporting a crime self-identifies as LGBTI, but the Attorney General's Office told Human Rights Watch in 2020 that a lack of cases indicates "that it is being ignored by the officials receiving the complaints."²⁰ A new penal code went into effect in June 2020, which maintained these hate crime provisions.²¹

Abuse of transgender women (article 1)

Honduras places transgender women in men's prisons, which can lead to physical and sexual abuse. A judge informed Human Rights Watch of a case in which a trans woman was raped by her fellow detainees with the complicity of prison guards. The judge said she had informed prosecutors when she became aware of the case, but that they did not investigate. "There's no way to protect" trans women in men's prisons, she said.²²

Honduras' 2001 Law on Police and Social Affairs establishes a police mandate regarding the "prevention and elimination of disturbances to tranquility, public morality, and proper conduct."²³ It empowers the National Police to arrest anyone who "goes against modesty, proper conduct and public morals ... and disturbs the neighbors' tranquility with their immoral

¹⁶ Human Rights Watch, *"Every Day I Live in Fear": Violence and Discrimination Against LGBT People in El Salvador, Guatemala, and Honduras, and Obstacles to Asylum in the United States* (New York: Human Rights Watch, 2020), <https://www.hrw.org/report/2020/10/07/every-day-i-live-fear/violence-and-discrimination-against-lgbt-people-el-salvador>.

¹⁷ Ibid.

¹⁸ Government of Honduras, Penal Code of 2013, <https://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/CodigoPenal-ReformaIncluida.pdf> (accessed July 27, 2022).

¹⁹ Government of Honduras, Ministerio Público, Oficio S.D.G.F. no. 480-2020, September 25, 2020.

²⁰ Ibid.

²¹ Government of Honduras, Decreto 130-2017, Código Penal (Decree 130-2017, Penal Code), https://www.tsc.gob.hn/web/leyes/Decreto_130-2017.pdf (accessed July 27, 2022), art. 32(8).

²² Human Rights Watch interview with Mildred López, El Progreso, August 28, 2019.

²³ Republic of Honduras, Legislative Branch, Decree No. 226-2001, *Ley de Policía y Convivencia Social* (Law on Police and Social Affairs), <https://www.tsc.gob.hn/biblioteca/index.php/leyes/63-ley-de-policia-y-convivencia-social> (accessed September 11, 2022), art. 5.

conduct.”²⁴ The law includes sanctions against particular groups of people, including “vagabonds,” defined as including “street people, scoundrels, street prostitutes, drug addicts, drunkards, and gamblers.”²⁵ Human Rights Watch found in a 2009 report that the law was used arbitrarily to justify arrests of transgender women.²⁶

Women we interviewed recounted violence and harassment by state security forces. Perla M., a 29-year-old trans woman from San Pedro Sula, told Human Rights Watch that police harassed her on the street when she was engaging in sex work. According to Perla, the police informed her and her fellow sex workers that if they wanted to work, they had to sell drugs that the police confiscated from others and to provide sexual services to police officers. Extorting sexual services is a form of sexual assault.²⁷

Vicky Hernández, a trans woman, sex worker, and activist with trans rights group Unidad Color Rosa was killed in San Pedro Sula in June 2009 during a military coup.²⁸ In 2012, Cattrachas Lesbian Network, a Honduran LGBT rights organization, filed a petition before the Inter-American Commission on Human Rights on behalf of the family to hold the state responsible for her murder. The commission submitted the case to the Inter-American Court of Human Rights, which in March 2021 found Honduras responsible for Hernández’s killing.²⁹

The court found a violation of the right to life based on the fact that police harassed Hernández hours before she was killed and, due to the coup, the military and police had effective control of the streets on the night she died. The court also found that Honduras violated the right to life because the authorities did not comply with their obligation to effectively investigate Hernández’s death, as Human Rights Watch argued in an amicus brief submitted to the court in November 2020.³⁰

²⁴ Republic of Honduras, Legislative Branch, Decree No. 226-2001, *Ley de Policía y Convivencia Social* (Law on Police and Social Affairs), <https://www.tsc.gob.hn/biblioteca/index.php/leyes/63-ley-de-policia-y-convivencia-social>, art 142 (3).

²⁵ *Ibid*, art. 99.

²⁶ Human Rights Watch, *Not Worth a Penny: Human Rights Abuses Against Transgender People in Honduras* (Human Rights Watch: New York, 2009), <https://www.hrw.org/report/2009/05/29/not-worth-penny/human-rights-abuses-against-transgender-people-honduras>.

²⁷ Human Rights Watch interview with Perla R. (pseudonym), Washington D.C., December 5, 2019.

²⁸ Cristian González Cabrera, “Honduras Recognizes Its Responsibility in Trans Killing,” commentary, Human Rights Dispatch, May 13, 2022, <https://www.hrw.org/news/2022/05/13/honduras-recognizes-its-responsibility-trans-killing>.

²⁹ Inter-American Commission on Human Rights, Case No. 13.051, Vicky Hernández and Family, Honduras, April 30, 2019, <https://www.oas.org/es/cidh/decisiones/corte/2019/13051NdeREs.pdf> (accessed September 16, 2022); Inter-American Court of Human Rights, *Vicky Hernández et al. v. Honduras*, Merits, Reparations, and Costs, Judgment of March 26, 2021, https://www.corteidh.or.cr/docs/casos/articulos/seriec_422_ing.pdf (accessed September 16, 2022).

³⁰ Human Rights Watch, *Amicus Curiae* in the Case of *Vicky Hernández and Family v. Honduras*, November 11, 2020, <https://www.hrw.org/news/2020/11/11/amicus-curiae-case-vicky-hernandez-and-family-v-honduras>.

In May 2022, President Xiomara Castro recognized the government’s responsibility in the killing of Vicky Hernandez.³¹

Legal Gender Recognition (article 1)

Honduras has no administrative procedure allowing a person to modify their legal name and gender. Trans people interviewed by Human Rights Watch described constant challenges related to the mismatch between their appearance and the name and sex marker on their official documents: challenges doing everyday activities, such as routine banking or buying a long-distance bus ticket, contributed to a sense of perpetual alienation and exclusion.³² In May 2022, the president of Honduras committed to creating a legal gender recognition procedure, but her government and the civil registry had not done so at the time of writing.³³

Employment (article 11)

Lesbian, bisexual, and trans women in Honduras experience discrimination both during job searches and in the workplace. Human Rights Watch documented several cases of discrimination. For instance, Carla T., a 24-year-old trans woman from Comayagüela, said she applied for a job at a clothing store but was turned away on grounds that she would “ruin the clientele.” She also tried to get a job washing dishes and cleaning homes but was unsuccessful.³⁴

Access to Education (article 10)

Interviewees told Human Rights Watch that they had experienced bullying and discrimination in educational settings. They described being targeted by peers, teachers, and administrators. Some said they felt compelled to leave school as a result, reducing their opportunities in life and placing them on a path to heightened economic insecurity. Anabel H., a trans woman from Tegucigalpa, said that from age 10, she stopped attending school halfway through every year because of bullying. In high school, she said her classmates threatened to rape her and threw water bottles at her. When she complained to the school director, she was told she should act like a boy if she did not want to be bothered.³⁵

Domestic Violence (articles 1, 2)

Human Rights Watch interviewed Hondurans who described experiencing domestic violence or neglect at the hands of family members, intimate partners, or both. Anabel H., a trans woman from

³¹ Cristian González Cabrera, “Honduras Recognizes Its Responsibility in Trans Killing,” commentary, Human Rights Dispatch, May 13, 2022, <https://www.hrw.org/news/2022/05/13/honduras-recognizes-its-responsibility-trans-killing>.

³² Human Rights Watch interviews with A. H. (pseudonym), Tegucigalpa, May 16, 2019.

³³ Cristian González Cabrera, “Honduras Recognizes Its Responsibility in Trans Killing,” commentary, Human Rights Dispatch, <https://www.hrw.org/news/2022/05/13/honduras-recognizes-its-responsibility-trans-killing>.

³⁴ Human Rights Watch interview with Carla T. (pseudonym), Los Angeles, December 13, 2019.

³⁵ Human Rights Watch interview with A. H., Tegucigalpa, May 16, 2019.

Tegucigalpa, said that after her father saw her wearing makeup and women's clothing, he kicked her out of the home at age 17. Once on her own, friends introduced her to sex work, the only way they knew to survive. For children under age 18, sex work is considered under international law as one of the worst forms of child labor, and Anabel experienced it as rape.³⁶

S., a 35-year-old bisexual woman, left Honduras after she was beaten by her male former partner, who discovered Scarlett was in a relationship with a woman. "He realized I was with a woman and started to say bad words, lesbian, dyke. He pushed me on the bed and hit me on the back," she said. "I never went to the police because the police don't do anything about women who are with men [and are beaten], let alone those of us who are with women. My ex-partner's sister was beaten seriously, and she filed a report and the police never did anything."³⁷

Human Rights Watch recommends that the Committee call on the government of Honduras to:

- Require all ministries and other government agencies to prohibit discrimination on the grounds of sexual orientation and gender identity in hiring, contracting, and all other activities, and to take steps to counter systemic anti-LGBT discrimination.
- Pass comprehensive civil non-discrimination legislation that explicitly includes sexual orientation and gender identity as protected classes and that covers sectors including, inter alia, education, employment, health, and housing.
- Issue a regulation clearly prohibiting discrimination by law enforcement officers and military personnel based on sexual orientation or gender identity and hold accountable those who engage in such discrimination.
- Create a procedure to allow people to change their legal gender on their official documents and records through a simple, administrative process, such as filing an application at the civil registry. Legal gender recognition should not include burdensome requirements that violate rights, such as a requirement to undergo divorce, surgery, or psychiatric evaluation before changing one's gender.
- Adopt an anti-discrimination policy that requires all schools not to discriminate against students on the basis of sexual orientation, gender identity or gender expression; and to take measures to prevent and respond to instances of bullying based on sexual orientation, gender identity and gender expression.
- Establish support services for young people, including both children and young adults, who are expelled from their homes for reasons related to their sexual orientation or gender identity, including shelter, counseling services, educational services, and job training.

³⁶ International Labour Organization, Worst Forms of Child Labour Convention, 1999 (No. 182), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182 (accessed September 11, 2020), art. 3(b); Human Rights Watch interview with A. H., Comayagüela, May 16, 2019.

³⁷ Human Rights Watch interview with S., Los Angeles, December 11, 2019.