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Honduras: Sexual violence against women; legislation; attitude of the authorities and the general public toward victims; organizations that provide assistance to victims

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Background

According to a representative of the Centre for Women's Rights (Centro de Derechos de Mujeres, CDM), a non-governmental women's rights organization, sexual violence against women is a [translation] "problem" in Honduras (13 Oct. 2006; see also *El Herald* 27 Feb. 2006). An article published in the Honduran daily newspaper *El Herald* indicates that, from January to February 2006 in the city of Tegucigalpa alone, eighteen cases of rape, three cases of sexual harassment, and two cases of attempted rape were reported to the Women's Public Prosecutor's Office (Fiscalía de la Mujer) (27 Feb. 2006). Moreover, the results of a study conducted by the Violence Observatory (Observatorio de la Violencia) of the United Nations Development Program (UNDP) and the National Autonomous University of Honduras (Universidad Nacional Autónoma de Honduras, UNAH) indicate that, [translation] "in the first quarter of 2006, 83.6 percent . . . of violent sex crimes were committed against women and 70.8 percent of those . . . were committed against women under the age of 20" (May 2006a, 5). According to another study conducted by the Violence Observatory in 2005, 81 percent of cases handled by the Forensic Office (Clínica Forense) in 2005 involved violent sex crimes against women (UNAH and UNDP May 2006b, 5). The results also indicated that most of those crimes were committed against women aged 24 or younger (ibid.). According to *Country Reports on Human Rights Practices for 2005*, "[t]here were 1,074 reports of rape, resulting in 466 convictions and 608 cases under investigation" in Honduras in 2005 (US 8 Mar. 2006, Sec. 5).

Legislation

An article published in *El Herald* indicates that Title II of the Honduran Penal Code, which governs individuals' freedom and physical, psychological and sexual well-being, was amended to include a chapter on sexual exploitation for commercial purposes (23 February 2006; ILO Apr. 2006, 31). According to the new title, anyone convicted of rape can now be sentenced to 10 to 15 years in prison, while perpetrators of rape against victims under the age of 14 now face 15 to 20 years in prison (ibid.; *El Herald* 23 Feb. 2006). Also liable to terms of imprisonment of 15 to 20 years are attackers who use narcotics to commit rape, those who rape a person under their custody and those who commit rape knowing they are infected with HIV (ibid.; ILO Apr. 2006, 31). Re-offenders and participants in gang rapes also face terms of imprisonment of 15 to 20 years (ibid.; *El Herald* 23 Feb. 2006). Anyone who attacks a woman who then becomes pregnant as a result of the rape is also liable to 15 to 20 years in prison (ibid.; ILO Apr. 2006, 31). Any rape of a person aged 14 to 17 that is the result of an abuse of, among other things, authority is punishable by a term of imprisonment of six to eight years (ibid.; *El Herald* 23 Feb. 2006). Anyone convicted of incest with another person over the age of 18 shall be punished by a term of imprisonment of four to six years; if the victim is aged 14 to 17, the term of imprisonment shall be increased by half (ibid.; ILO Apr. 2006, 31). No information on specific examples of the application of this law could be found among the sources consulted by the Research Directorate.

The Representative of the CDM provided the following information in correspondence dated 13 October 2006. Honduras is a signatory to the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) and the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women*. The country also has a national policy on women, but, in the opinion of the CDM Representative, that policy has never been implemented because the government is not interested in doing so. The legal framework of Honduras includes, in addition to the Penal Code, a law against domestic violence and an [translation] "Equal Opportunity Act." The CDM Representative also indicated that, although the Honduran Penal Code includes a chapter on sexual violence and the abuse of women and children, many cases are not processed because the state agencies responsible for enforcing that law are ineffective. Various obstacles, such as the socio-cultural models that define the attitude of the public and of the authorities responsible for investigating violent sex crimes, interfere with the enforcement of the law. According to *Country Reports 2005*, the Honduran courts generally enforce the

penalties that correspond to rape crimes (US 8 Mar. 2006, Sec. 5).

Attitude of the authorities and the general public toward victims

The CDM Representative provided the following information in correspondence dated 13 October 2006. The Public Prosecutor's Office (Ministerio Público) in Honduras is responsible for enforcing the Penal Code in cases of sexual violence. In terms of the number of complaints received by the Women's Public Prosecutor's Office (Fiscalía de la Mujer) in Honduras, complaints of sexual violence rank second. However, the government has provided no budget to handle sex crimes and is not working to eradicate them, because, according to the CDM Representative, sexual violence is not considered a social problem.

The CDM Representative also noted that Honduran society tends to blame the victims without considering the factors that give rise to sexual violence. Victims of sexual assault are reluctant to report the acts committed against them because the people who receive their complaints are not sensitive to the problem. Also, victims are treated with indifference, which makes them feel guilty for the acts of violence they have experienced. Their testimony is sometimes challenged, or their accounts are not recorded accurately, which makes it difficult to conduct investigations. The CDM Representative added that the Honduran justice system has trouble finding witnesses who are prepared to corroborate acts of sexual violence. Most such acts are committed behind closed doors, and even when that is not the case, witnesses are afraid to testify against the perpetrators. The above information could not be corroborated by the sources consulted by the Research Directorate.

According to the CDM representative, many women who have experienced sexual violence and reported their attackers emigrate out of fear of reprisals. Those women receive constant threats from their attackers, who say they will harm their families if they do not withdraw their complaint. There have already been cases in which women were killed by their attackers; most of those crimes remain unpunished. This information could not be corroborated by the sources consulted by the Research Directorate.

The CDM Representative also indicated that, in Honduras, victims do not generally report cases of sexual violence; consequently, it is very difficult to record the statistics that would demonstrate the severity of the problem. Victims do not report acts of sexual violence, and, if they do, they usually withdraw their complaint because they lack financial resources, fear reprisals, feel ashamed or are afraid of what their family, friends and the general public will say. Also, victims often decide to withdraw their complaint or do not report acts of violence in order to protect their attackers because they are family members or friends. According to *Country Reports 2005*, "because all rapes, with the possible exception of spousal rape, . . . are considered public crimes, a rapist can be prosecuted even if the victim does not want to press charges" (US 8 Mar. 2006, Sec. 5).

Organizations that provide assistance to victims

In correspondence dated 13 October 2006, the CDM Representative indicated that only some women's organizations provide assistance to victims of violence, but she did not specify the nature of that assistance. Those organizations are the CDM, the Centre for Women's Studies (Centro de Estudios de la Mujer), Quality of Life (Calidad de Vida), and Women's Alliance (Convergencia de Mujeres) (CDM 13 Oct. 2006). No additional information on organizations that provide assistance to victims of sexual violence could be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Centro de Derechos de Mujeres (CDM). 13 October 2006. Correspondence from a representative.

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Additional Sources Consulted

Internet sites, including: Amnesty International (AI), Fédération internationale des ligues des droits de l'homme (FIDH), Freedom House, International Committee of the Red Cross (ICRC), Organisation mondiale contre la torture (OMCT), *La Prensa*, *Tiempo*, *La Tribuna*, United Nations.

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