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## RESPONSES TO INFORMATION REQUESTS (RIRs)

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Honduras: Domestic violence; legislation and protection available to victims (2007-2009)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In 2009, several media sources indicated that domestic violence was becoming more widespread in Honduras (*La Prensa* 4 May 2009; *Hondudiario.com* 5 May 2009; *La Tribuna* 7 Aug. 2009). In an article published by the newspaper *La Prensa*, the public prosecutor for the status of women (Fiscal de la Mujer) stated that violence against women is often committed by members of the victim's own immediate family (4 May 2009; see also UN Jan. 2009, 13).

Various sources indicate that the number of domestic violence complaints has increased in recent years (CDM 10 Sept. 2009; *La Prensa* 8 May 2009). According to an article published by *La Prensa*, the number of domestic violence complaints filed between January and May 2009 increased by 20 percent, compared with the same period in 2008 (*ibid.*). However, according to the Women's Collective of Honduras (Colectiva de Mujeres Hondureñas, CODEMUH), there are still [translation] "serious barriers preventing women victims of domestic violence from accessing the legal system" (26 Nov. 2008). In 2008, the CODEMUH indicated that among the 39,965 domestic violence complaints filed nationwide between 2004 and 2007, 9,333 or 23.53 percent of them, were finalized by court decisions (26 Nov. 2008). More specifically, according to the Centre for Women's Rights (Centro de Derechos de Mujeres, CDM), a non-governmental organization (NGO) in Honduras, 19,039 domestic violence complaints were filed in 2008 and 11,227 of them were decided in court (CDM 10 Sept. 2009). In 2007, 11,225 complaints were filed and 2,546 of those led to court proceedings (*ibid.*). In 2006, a total of 2,717 out of 10,999 complaints were finalized by court decisions (*ibid.*).

According to correspondence sent to the Research Directorate on 10 September 2009 by a CDM representative, the Electronic Centre for Legal Documentation and Information (Centro Electrónico de Documentación e Información Judicial, CEDIJ) registered 5,411 domestic violence complaints between January and March 2009. Information on how many of those complaints led to court proceedings could not be found among the sources consulted by the Research Directorate.

An article published by the daily newspaper *El Heraldo*, indicates that many incidents of domestic violence are not reported by victims because they fear reprisals (18 Aug. 2008). *La Prensa* reported on two occasions, in September 2008 and 2009, that some women withdraw their domestic violence complaints (*La Prensa* 21 Sept. 2008; *ibid.* 27 Sept. 2009). Some victims put a end to the legal process by failing to appear in court (*ibid.* 21 Sept. 2008) and others withdraw their complaint after their spouse has been arrested (*ibid.* 27 Sept. 2009).

### Legislation

The Honduran Law Against Domestic Violence (*Ley contra la Violencia Doméstica*) is a preventive instrument (CDM Apr. 2009) that sets out provisional and security measures (Honduras 11 Mar. 2006, Art. 6), while the penal code (*Código Penal*) provides for sanctions against [translation] "serious" acts of domestic violence in order to prevent women from being killed (CDM Apr. 2009). Article 179-A of the penal code provides for a term of imprisonment of one to three years for [translation] "any person who uses force against or intimidates or persecutes a spouse or ex-spouse in order to cause physical or emotional injury" (Honduras 26 Sept. 1983). Article 179-B provides a term of imprisonment of two to four years for an attacker who mistreats his spouse or ex-spouse and causes her [translation] "serious" bodily harm (*ibid.*).

In spite of such domestic violence legislation, many sources indicate that the government of Honduras has shown little political will to combat domestic violence (US 25 Feb. 2009, Sec. 5; *Hondudiario.com* 5 May 2009; *La Prensa* 4 May 2009). *Country Reports for Human Rights Practices* for 2005 and for 2008 from the United States (US) Department of State indicate that the government does not rigorously enforce its laws on domestic violence (US 25 Feb. 2009, Sec. 5; *ibid.* 8 Mar. 2006, Sec. 5; *Hondudiario.com* 5 May 2009).

According to *La Tribuna*, [translation] “the sanctions and sentences [concerning domestic violence offences] have yet to curtail this type of violence” (7 Aug. 2009). According to an article published by *La Prensa* in 2009, the sanctions imposed by the courts are not respected (11 Mar. 2009).

In April 2009, the CDM proposed a reform of the penal code and suggested, among other things, eight amendments concerning domestic violence (CDM Apr. 2009). Among those suggestions, the CDM proposed that marital rape be recognized as a crime and that it be punished like other kinds of rape (*ibid.*). Additional information on the proposal could not be found among the sources consulted by the Research Directorate.

### Protection available to victims

*Country Reports 2008* indicates that the government is working with CARE, a humanitarian organization fighting poverty (CARE n.d.), and other NGOs to offer police officers training on domestic violence laws (US 25 Feb. 2009, Sec. 5). This same source reports that there are two shelters managed by NGOs and six private centres available to female victims of violence (*ibid.*). One of the shelters, located in Tegucigalpa, can accommodate 20 women and their families; the private centres offer legal, medical and psychological assistance (*ibid.*). The report also notes that 61 NGOs fighting violence against women have combined forces to form a women’s collective against violence (*ibid.*).

An article published by *El Heraldo* reports that a support program, offered by six health centres in the capital, provides help to people who have committed acts of domestic and family violence (18 Aug. 2008). Cited in the same article, the director of Health of the Metropolitan Region (Región Metropolitana de Salud) explained that the program is offered to people who have been the subject of a complaint or who have been in prison for a period of 24 hours (*El Heraldo* 18 Aug. 2008). In order to participate, the couple must commit to following the program and each party must sign a document that is filed with the Supreme Court (*Corte Suprema*) (*ibid.*).

According to an article published in *La Prensa*, the public prosecutor’s office launched an awareness campaign on domestic violence and violence against minors (11 Mar. 2009). Discussion workshops have been held in the municipalities of Villanueva, La Lima and El Valle de Sula, and others are being organized for San Miguel, Pimienta and Potrerillos (*ibid.*).

On the website for *Mujeres Hoy*, an American-Latino portal that addresses gender issues (*Mujeres Hoy* n.d.a), there is a list of five NGOs and one women’s group fighting violence against women in Honduras (*ibid.* n.d.b). These organizations, established in Tegucigalpa, are active nationwide, except for the CODEMUH, which operates locally in San Pedro Sula (*ibid.*). Among these NGOs, the Quality of Life Association (Asociación Calidad de Vida) and the CDM specialize in domestic and sexual violence (*ibid.*). According to an article published in *El Heraldo*, the Quality of Life Association has run a shelter since 1996 and it helps female victims of domestic and sexual violence (4 Sept. 2009). Cited in this same article, the director of the Quality of Life Association stated that women are directed to its shelter by the public prosecutor’s office for the status of women (Fiscalía de la Mujer), the national police (Policía Nacional), health centres and women’s organizations (*El Heraldo* 4 Sept. 2009). Many services are offered at the shelter, including social re-integration (*ibid.*). The CDM reportedly offers training, runs awareness campaigns and provides direct assistance to victims (*Mujeres Hoy* n.d.b).

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 sources consulted in researching this Information Request.

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#### Additional Sources Consulted

**Oral sources:** Representatives of the Colectiva de Mujeres Hondureñas (CODEMUH), the Centro de Estudios de la Mujer (CEM-H), the Instituto Nacional de la Mujer (INAM), the Comité para la Defensa de los Derechos Humanos en Honduras (CODEH) and the Ministerio Público (MP) could not provide information within the time constraints for

this Response.

**Internet sites, including:** Amnesty International (AI), Freedom House, Organization of American States (OAS).

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