

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.



10 December 2013

HND104660.FE

Honduras: Domestic violence, including legislation and protection available to victims (2010-November 2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Violence Against Women

According to various sources, violence against women and impunity for the perpetrators continue in Honduras (*El Heraldo* 29 July 2011; US 19 Apr. 2013, 15; Freedom House 2013). An article published in 2011 in the Tegucigalpa-based newspaper *El Heraldo* reports that, according to the representative of the National Human Rights Commission (Comisionado Nacional de los Derechos Humanos, CONADEH), which is responsible for [translation] "guaranteeing the rights and freedoms enshrined in the Constitution" (Honduras n.d.), [translation] "the number of women who die from violence is increasing every year and, as is the case for most crimes in Honduras, ... the perpetrators go unpunished" (*El Heraldo* 29 July 2011). According to *Country Reports on Human Rights Practices for 2012*, published by the US Department of State, "Violence against women and impunity for perpetrators continued to be a serious problem" (US 19 Apr. 2013, 15). Similarly, Freedom House reports that "[v]iolence against women is a serious problem, and the female murder rate has risen dramatically in recent years. These murders, like most homicides in Honduras, go unpunished" (Freedom House 2013). In 5 November 2013 correspondence with the Research Directorate on, a representative from the National Institute for Women (Instituto Nacional de la Mujer, INAM), who is a lawyer and the coordinator of the unit for the prevention and reduction of violence against women (Unidad de prevención y reducción de la violencia de género contra la mujer), stated that, since 2010, [translation] "the rate of domestic violence has remained stable, [but] the violence being committed against women has become more severe." INAM is [translation] "the agency responsible for formulating, developing, promoting, coordinating and monitoring policies that protect and promote the rights of women and girls in support of gender equality" (INAM n.d.).

Quoted in an article published in 2011 in *El Heraldo*, the CONADEH representative noted that violence against women is [translation] "the result of the lack of preventive public policies, the lack of specific programs against the murder of women, flaws in investigations, and impunity" (*El Heraldo* 29 July 2011). In addition, in a report on women's rights published in 2013, CONADEH points out that in Honduras, [translation] "women are still often the victims of inequality and discrimination, which limits them in fully exercising their fundamental rights and freedoms, and which results in violence both in public and in private" (Honduras 2013a). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Femicide

According to a Prosecutor for Women (Fiscal de la mujer), quoted in an article in *Tiempo*, a newspaper in San Pedro Sula, in 2012, the number of femicides continued to [translation] "increase steadily" because of the lack of investigations (*Tiempo* 19 Jan. 2013). An article published in *El Heraldo* reports that in 2009, 373 women died as a result of violence (*El Heraldo* 21 Feb. 2013). In addition, some sources provide the following statistics on women murdered in 2011 and 2012:

- 2011: 552 women murdered, according to *El Heraldo* (ibid. 21 Feb. 2013); 460, according to *Proceso Digital* (24 Jan. 2012);
- 2012: 538 women murdered, according to *Tiempo* (19 Jan. 2013); 612, according to *El Heraldo* (21 Feb. 2013).

According to a report prepared by CONADEH, [translation] "violent" deaths among women averaged 32 a month in 2010 (Honduras 2013a). In 2011, that figure was 43; in 2012, 50 (35, according to the Centre for Women's Rights [Centro de Derecho de Mujeres, CDM 2012]); and for the period from January to June 2013, 54 (Honduras 2013a). According to some sources, Honduras has a rate of 14 femicides per 100,000 people (*El Heraldo* 21 Feb. 2013; InSight Crime 9 Sept. 2013).

For more information on femicides, consult Response to Information Request HND103935.

3. Domestic and Sexual Violence

3.1 Domestic Violence

In correspondence sent to the Research Directorate on 15 November 2013, a representative from the Judicial Branch (Poder Judicial), who is a lawyer and communications coordinator, pointed out that, for 2010, 2011 and 2012, about 20,000 complaints of domestic violence were received annually at the national level (Honduras 15 Nov. 2013). *Proceso Digital* also reports that, in 2011, about 20,000 were reported to various women's rights agencies (24 Jan. 2012). Similarly, according to the Tegucigalpa daily *La Tribuna*, in 2012, more than 20,000 domestic violence complaints were filed with the courts of first instance (Juzgados de Letras) and justices of the peace (Juzgados de Paz) (8 Mar. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to an article in *La Prensa*, a newspaper in San Pedro Sula, between January and May 2013, 1,586 incidents of domestic violence were filed with the Special Tribunal Against Domestic Abuse (Juzgado Especial contra la Violencia Doméstica) of the department of Cortés (*La Prensa* 13 June 2013). Quoted in that article, a judge with that tribunal notes that 18 complaints [on average] are filed every day, including those reported to the police (ibid.).

According to the INAM representative, domestic violence continues to be the second most common complaint-after theft-reported to the police (INAM 5 Nov. 2013). According to a lawyer with the Quality of Life Association (Asociación Calidad de Vida), an organization that supports women victims of domestic, family, psychological or sexual violence, whose statements were published by *La Tribuna*, domestic violence [translation] "has not only become more frequent, but the severity of the injuries has also increased" (*La Tribuna* 8 Mar. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.2 Sexual Violence

According to data from the Forensic Pathology Branch (Dirección de Medicina Forense) of the Office of the Public Prosecutor (Ministerio Público), which were published by *La Tribuna*, between January and June 2011, 1,259 complaints of sexual violence were filed and, in 22 percent of cases, the perpetrator was the victim's spouse or ex-spouse (*La Tribuna* 24 Mar. 2012).

According to *Country Reports for 2012*, from January to September 2012, the special prosecutor for women reported receiving 32 reports of rape and other sexual crimes against women (US 19 Apr. 2013, 14). Based on a compilation of data on incidents of violence against women that were reported in various media (*La Tribuna*, *El Herald*, *Tiempo*, *La Prensa*) in Honduras, the CDM indicated that, in 2012, 277 women were victims of sexual violence (CDM 2012). The CDM also stated that, in the 322 acts of violence committed against women in the department of Cortés in 2012, 47 percent of the women had suffered sexual, domestic or family violence (ibid.). The CDM is a feminist organization that [translation] "promotes empowerment; justice; and the exercise and enjoyment of rights, social life and equality between men and women" (CDM n.d.).

According to a report by the Violence Observatory (Observatorio de la Violencia) of the National Autonomous University of Honduras (Universidad Nacional Autónoma de Honduras, UNAH), in 2012, the Forensic Pathology Branch performed 2,920 medical examinations in connection with complaints of sexual violence (UNAH 28 Jan. 2013). The report also states that in 21.5 percent of cases, the perpetrator was the victim's spouse or ex-spouse (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Legislation

Chapters III and IV of the Law Against Domestic Violence (*Ley contra la Violencia Doméstica Reformada*), which deal, respectively, with mechanisms of protection and penalties are attached to this Response.

4.1 Femicide

According to two sources, Legislative Decree 23-2013, which reformed the Penal Code, came into effect in April 2013 (Honduras 6 Apr. 2013; Honduras 2013a). According to *La Gaceta*, the official newspaper of Honduras (*El Diario Oficial La Gaceta*), under article 118-A, femicide is a crime punishable by imprisonment for 30 to 40 years (Honduras 6 Apr. 2013). Information on the enforcement of this reformed code or on the sentences handed down under it could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.2 Domestic Violence

Sources indicate that the law criminalizes domestic violence with sentences of between two and four years' imprisonment (US 19 Apr. 2013, 15; Honduras 1983, art. 179-B). However, *Country Reports for 2012* notes that "[t]he only legal sanctions for the first offense of domestic abuse are community service and 24-hour preventive detention if the violator is caught in the act" (US 19 Apr. 2013, 15). In addition, some sources indicate that the law provides a maximum sentence of three years' imprisonment for disobeying a restraining order connected with the crime of family violence (ibid.; Honduras 1983, art. 346). Information on the sentences handed down under the Law Against Domestic Violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The representative of INAM stated that the Law Against Domestic Violence (*Ley contra la Violencia Doméstica*) [translation] "is moderately effective" (INAM 5 Nov. 2013). She explained that [translation] "in cases where the legal process is carried through to completion, there is little recidivism; [however], in most cases, the women who lodge complaints think that simply filing the complaint will bring the matter to a close and that they will not have to testify again, which unfortunately, is not the case" (ibid.). Information on the effectiveness of the law could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.3 Sexual Violence

According to *Country Reports for 2012*, "The law criminalizes all forms of rape, including spousal rape. With the exception of spousal rape, which is evaluated on a case-by-case basis, rape is considered a public crime, and thus a rapist can be prosecuted even if the victim does not press charges" (US 19 Apr. 2013, 14). Information on the sentences imposed under the law that criminalizes spousal rape could not be found among the sources consulted by the Research Directorate within the time constraints of this Response

5. State Protection

5.1 Agencies to Which Victims Can File Complaints

According to certain sources, women victims of domestic violence can file a complaint against their abuser before specialized domestic violence courts, before justices of the peace, with the public prosecutor or with the police (INAM 5 Nov. 2013; Honduras 15 Nov. 2013). Complaints can also be made to Women's Centres (Centros de Mujeres) (ibid.; INAM 5 Nov. 2013), the courts of first instance or to the courts of CONADEH, which refers complaints to the Judicial Branch or to the public prosecutor (ibid.).

5.1.1 Procedure for Filing a Complaint with CONADEH

According to a report produced by CONADEH, women can file complaints with CONADEH by telephone, using the rapid response system (Sistema de Respuestas Rápidas), through CONADEH's Internet site or at one of its mobile units (Sistema Itinerante) that are in various municipalities (Honduras 2013b). According to this report, once a woman has filed a complaint, CONADEH proceeds as follows:

[translation]

... in the case of domestic violence, [CONADEH] staff accompany the victim to support her as she files her complaint with the Special Tribunal Against Domestic Abuse, a court of first instance or a justice of the peace. There, she provides her statement and is informed about safety measures and the date of the hearing; then, she is accompanied to ensure that the judge imposes the [necessary] protection measures: precautions to ensure that the abuser meets his family responsibilities and interim measures designed to prevent the violence from happening again, through the rehabilitation of the abuser and by addressing the woman's self-esteem. (Honduras 2013b)

5.2 Reporting Rate

According to some sources, women who are victims of domestic violence generally report their abuser (Honduras 15 Nov. 2013; INAM 5 Nov. 2013). According to the INAM representative:

[translation]

many women victims of domestic violence report their abuser; in recent years, there has been a significant increase in reports, which has led to a decrease in the support [provided to women] because of the system's inability to meet the demand, which in turn ends up revictimizing most of the women who are involved in a [reporting] process. (INAM 5 Nov. 2013)

According to some sources, women who are victims of sexual violence do not generally report their abuser (US 19 Apr. 2013, 14; *La Tribuna* 24 Mar. 2012). *Country Reports for 2012* cites fear of stigma, retribution, and further violence as being at the root of a woman's decision not to report (US 19 Apr. 2013, 14). According to *La Tribuna*, women feel [translation] "ashamed and guilty" because they are the victims of "inadequate and unfair treatment by law enforcement authorities" (*La Tribuna* 24 Mar. 2012).

5.3 Police Effectiveness

Quoted in an article in *Proceso Digital*, the special prosecutor for women called the police [translation] "ineffective" (*Proceso Digital* 23 May 2012). She pointed out that of [translation] "the 66,000 complaints [of violence against women] filed every year with the National Directorate of Criminal Investigations (Dirección Nacional de Investigación Criminal, DNIC), only a few are investigated by the police" (ibid.). According to the coordinator of the Office of the Special Prosecutor for Women, whose comments were published in an article in *El Heraldo*, [translation] "investigations get delayed because the government has limited financial resources" (*El Heraldo* 25 Jan. 2013). She added that [translation] "only 10 investigators are responsible for conducting investigations, which start with identifying the body" of an abused woman (ibid.). The same article also states that the national police are behind in investigations, which [translation] "prevents them from investigating more cases [of violence]" (ibid.).

A representative of the Judicial Branch stated that [translation] "the police do not have the financial resources to provide effective monitoring of security measures imposed" in connection with domestic violence complaints (Honduras 15

Nov. 2013). He indicated, however, that there has been [translation] "an increase in the number of complaints filed with the police and that were referred to the specialized domestic violence court" (ibid.).

According to the INAM representative,

[translation]

women state that, in some cases, the police are diligent, but that in others, violence against women and the protection of women are downplayed because, in many cases, [the police officers] do not understand the cycle of violence that is the reality for women who are involved in a case where they have reported domestic violence. (INAM 5 Nov. 2013)

Further information on the attitude of the police toward women victims of domestic violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In addition, in terms of the penalties for domestic violence, an article in *La Prensa* reported that the municipal police are responsible for making sure that offenders perform their community service (*La Prensa* 13 June 2013).

Further information on the effectiveness of the police could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.4 Effectiveness of the Judicial System

According to Freedom House, in general, the judicial system in Honduras is "weak and inefficient", and there are significant tensions between the national police, the prosecutor's office, and the Ministry of Justice and Human Rights (2013). *Country Reports for 2012* reports that, in 2012, "the justice system was poorly funded and staffed, inadequately equipped, often ineffective, and subject to patronage, corruption, and political influence" (US 19 Apr. 2013, 7).

According to the data in a study conducted by the Women's Forum Against Femicide (Tribuna de Mujeres contra los Femicidios), which brings together seven women's organizations and networks in Honduras (Tribuna de Mujeres n.d.), in 2010, 351 cases of violence against women were reported to the Office of the Special Prosecutor for Women (Adital 7 Oct. 2011). Of those cases, 179 were heard by courts of first instance, and 59 resulted in convictions (ibid.).

Quoted in an article in *El Heraldo*, the coordinator of the Office of the Special Prosecutor for Women stated that there is [translation] "a high level of impunity" in cases of spousal and family violence (*El Heraldo* 25 Jan. 2013). Sources indicate that, for the 22,000 complaints filed with the Office of the Special Prosecutor for Women (*La Tribuna* 22 Jan. 2013)], the courts ruled in 15 percent of them (*La Tribuna* 22 Jan. 2013; *Tiempo* 19 Jan. 2013). Murders of women went unpunished in 90 percent of cases (*Proceso Digital* 24 Jan. 2012; Honduras 2013a).

Sources indicate that the impunity could stem from the lengthy legal proceedings, which leads many women to abandon their cases (*La Tribuna* 8 Mar. 2013), from women's economic dependence on their spouse and abuser (Agencia EFE 28 Apr. 2013) or from the time frame of the proceedings (*El Heraldo* 25 Jan. 2013). According to two sources, the legal proceedings are not respected and they expire after six months (ibid.; INAM 5 Nov. 2013). According to data from the Electronic Centre for Legal Documentation and Information (Centro Electrónico de Documentación e Información Judicial, CEDIJ), which were published in an article in *La Tribuna*, in 2012, 20,017 complaints of domestic violence-92 percent of them from women-were filed with courts of first instance and justices of the peace (*La Tribuna* 8 Mar. 2013). The article notes that in 13,783 of those cases, the legal proceedings expired (ibid.). It also points out that, in 2011, 10,656 court cases involving domestic violence expired (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

6. Support Services

6.1 Hotlines

According to two sources, a 911 emergency service was launched in Honduras in April 2013 (*El Heraldo* 26 Apr. 2013; *La Prensa* 18 July 2013). Available free of charge from both land and cell phones, this number replaces the various emergency numbers that had previously been in use in the country (ibid.; *El Heraldo* 26 Apr. 2013), including the 199 numbers for the national police and the 114 numbers for reporting domestic violence (ibid.). According to *El Heraldo*, as of 26 April 2013, the service had received many calls since its launch, mainly relating to domestic violence (26 Apr. 2013). Information on the police response rate in cases of domestic violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

CONADEH has a rapid response system that fields complaints called in from land lines to a toll-free number (800 2220-0007) and from cell phones (2220-7648) (Honduras 2013b). This service is run by CONADEH headquarters and operates 24 hours a day, 365 days a year (ibid.). Information on CONADEH's effectiveness or response rate could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

6.2 Municipal Offices for Women

Honduras has 298 Municipal Offices for Women (Oficinas Municipales de la Mujer, OMM) (*Proceso Digital* 24 Jan. 2012; *La Tribuna* 20 Nov. 2011)-one office in each municipality in the country (ibid.). According to an article in *La Tribuna*, the main objectives of these offices are as follows:

[translation]

Provide training for women to improve their skills, to support and contribute to the formation of women's networks so that women can play an active role in their community, to work with INAM to raise awareness among local stakeholders about gender equality, and to organize information campaigns on women's rights in the following areas: education, the economy, health, social and political participation, the environment and the prevention of violence against women. (ibid.)

Further information on the Municipal Offices for Women could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

6.3 Legal Assistance

According to its Internet site, through its legal unit-the Unit for the Prevention and Reduction of Violence Against Women- INAM provides [translation] "legal assistance on various aspects of domestic and family violence, on the legal framework that establishes the rights of women, and on the process for reporting abuse to various agencies" (INAM 2003).

6.4 Shelters

According to some sources, there are six shelters for women victims of violence in Honduras (INAM 5 Nov. 2013; US 19 Apr. 2013, 15; UN 22 Oct. 2010). According to *Country Reports for 2012*, there were three government-operated domestic violence shelters-in [the cities of] Choluteca, La Ceiba and [Santa Rosa de] Copán (US 19 Apr. 2013, 15). Also according to *Country Reports*, NGOs operated shelters in Santa Rosa de Copán, Juticalpa and Tegucigalpa (ibid.). According to the UN Secretary-General's Database on Violence Against Women, the following shelters are an initiative by civil society organizations but are funded by the government:

[translation]

- Comprehensive Care Centre for Women (Centro de Atención Integral a la Mujer, CAIM), located in Choluteca;
- Juanita Diaz Comprehensive Care Centre for Women (El Centro de Atención Integral para la Mujer "Juanita Díaz"), located in Juticalpa, Olancho;
- Ixchel House (Casa Refugio IXCHEL), located in La Ceiba, Atlántida;
- Quality of Life House (Casa Refugio "Calidad de Vida"), also known as New House ("Casa Nova"), located in Tegucigalpa;
- Copaneca House for Women (Casa para la Mujer Copaneca), located in Santa Rosa de Copán;
- Women's House ("Casa de la Mujer"), located in the city of Yoro. (UN 22 Oct. 2010)

Information on the capacity of these shelters could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the INAM representative, women generally stay in these shelters for three months and must meet the following conditions:

[translation]

1. Be facing violence that puts their life at risk; and
2. Have no social network or emergency support that would enable them to temporarily leave their situation of extreme violence. (INAM 5 Nov. 2013)

According to some sources, these shelters do not function effectively because they do not receive sufficient funding (US 19 Apr. 2013, 15; INAM 5 Nov. 2013). The representative from the Judicial Branch noted the insufficient government funding available through INAM for the construction of shelters (Honduras 15 Nov. 2013).

For more information on the services available to victims, consult Response to Information Request HND103935.

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: The following individuals and representatives from the following organizations were unable to provide information for this Response: Asociación Calidad de Vida; Center for Justice and International Law; Centro De Derechos de Mujeres; Centro de Investigación y Promoción de los Derechos Humanos; Colectivo de Mujeres Hondureñas; Comisionado Nacional de los Derechos Humanos; Comité para la Defensa de los Derechos Humanos; Fiscalía Especial de la Mujer; Latin American and Caribbean Committee for the Defense of Women's Rights; Policía Nacional de Honduras.

Internet sites, including: Alianza por tus derechos; Amnesty International; Asociación de Municipios de Honduras; Center for Justice and International Law; ecoi.net; Factiva; Georgetown University; Honduras – Ministerio Público, Secretaría de Estado en el Despacho de Seguridad, Secretaría de Justicia y Derechos Humanos; Human Rights Watch; International Labour Organization; Médecins sans frontières; *Milenio*; Organization of American States; Red Iberoamericana de Cooperación Jurídica Internacional; Social Watch; United Nations – Integrated Regional Information Networks, Refworld, ReliefWeb, World Health Organization, UNAIDS, UNICEF; Univisión.com; Vanguardia.com.

Attachment

Honduras. 1997 (amended in 2005). "De los mecanismos de protección" and "De las sanciones." *Ley contra la violencia doméstica reformada*, Capítulo III, Capítulo IV. Translated from Spanish to English by the Translation Bureau, Public Works and Government Services Canada. <<http://pdba.georgetown.edu/Security/citizenssecurity/honduras/leyes/1.pdf>> [Accessed 5 Nov. 2013]

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