

HONDURAS

Can Commitment to the 2030 Agenda Restore Human Rights?

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Honduras has committed itself to implementing the 2030 Agenda and its Sustainable Development Goals adopted by the UN General Assembly in September 2015. This commitment is essential to overcoming the pervasive violence that is destroying people's lives.

Women's lives are particularly at risk, which means that achieving gender equality and empowering all women and girls by 2030, as mandated by SDG 5, will be a major challenge. Women's rights are continuing to suffer major setbacks with the increasing concentration of power in the Presidency of the Republic.

Implementing the SDGs, however, requires political will and as resources are increasingly allocated to re-militarization, it is clear that human rights are not the priority. Only if social organizations, with the support of the international community, encourage compliance may the situation of the Honduran people improve.

In September 2015 the UN General Assembly committed to "Transform our World" through the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs), including, in SDG 5, achieving gender equality and empowering all women and girls. Honduras undertook to meet the targets set in the framework of the SDGs, which we think is important given the critical situation prevailing in the country, where increasing levels of violence in all its forms has left people feeling insecure and fearful.

Honduras currently has the highest level of economic inequality¹ in Latin America and is listed as the most violent of all countries that are not in a war situation. Concealment of data, with a law of confidentiality that makes police records of cases of violent deaths confidential, would explain the substantial decline in the homicide rate that, according to the Government, fell from 90 per hundred thousand in 2014 to 68 per hundred thousand in 2015, rather than the improvement of systems of criminal investigation and justice.

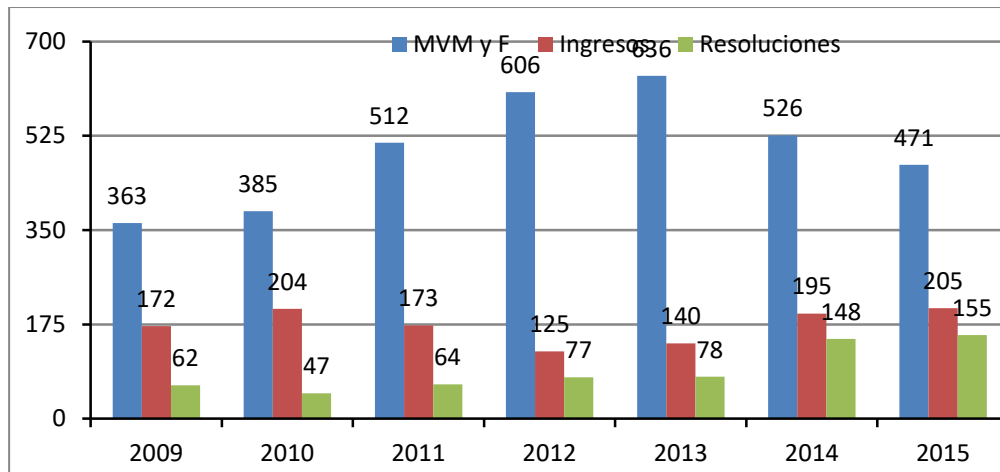
With 8,576,532 inhabitants, Honduras recorded 8,035 violent deaths in 2015.² Impunity remains a serious problem in the violent deaths of women and femicide, since of the 3,499 cases of such deaths reported between 2009 and 2015 prosecution was initiated only in 34 percent and judgments made in 18 percent.³ Thanks to the struggles of the feminist and women's movement, the Investigation Unit of Violent Deaths of Women and Femicide was created in 2016, associated with the Technical Criminal Investigation Agency (ATIC) in the Public Prosecutor's Office, and was allocated a budget of USD 1.4 million.

1 Mirta Kennedy, Center for Women Studies, Honduras CEM-H; see also <http://cepr.net/documents/publications/Honduras-2013-11-final.pdf>

2 UNAH-IUDPAS Observatory against Violence, 2015 bulletin

3 Calculated by CEM-H from data from the Electronic Data Center of the Judiciary, CEDIJ, and the UNAH-IUDPAS Observatory against Violence.

Violent deaths of women and femicide, Reports and Resolutions



Source: Elaborated by the CEM-H with data from the Electronic Data Center of the Judiciary, CEDIJ, and the UNAH Observatory against Violence.

The effectiveness of the femicide unit was tested on March 2 with the case of Berta Caceres, coordinator of the Council of Indigenous Peoples (COPINH). Women and feminist organizations and social movements have demanded clarification of the crime and the appointment of an international commission led by the Inter-American Commission on Human Rights (CIDH) to investigate the case, since there is no trust in the country's investigation system, owing to the influence of business sectors in state institutions. This is certainly the case with Desarrollos Energéticos (DESA - Energy Development) and its Agua Zarca hydroelectric project, against whom Caceres had led a protest movement, and which was reported by the COPINH as having threatening the indigenous leader.

An explosion of corruption scandals

Large-scale corruption scandals also erupted in 2015. The Social Security scandal, in which politicians have been accused of diverting Social Security funds to finance their election campaigns,⁴ has to date not had a transparent and effective resolution, despite the revelation of the involvement of politicians, mayors and recognized businessmen with organized crime and

money laundering, including the case of the former vice president, Jaime Rosenthal, for whom the United States has requested extradition.⁵ Similarly unresolved are the well-known cases of Rafael Callejas and Alfredo Hawit, former FIFA officials both of whom have been charged with accepting bribes, and one of whom, Callejas, has recently pled guilty.⁶

The increase in summary extraditions requested by the United States for drug-related cases, laundering of assets and bribery give evidence of a state of blurred borders where the judges of any US court have more power than the Court of Honduras itself and where such crimes committed by actors of the hegemonic classes rarely reach court and are never found guilty.

The revelations of corruption in 2015 also resulted in the formation of a new social movement, composed of various social sectors outside political parties and conventional social movements, focused primarily on fighting against corruption. A new leadership then emerged that led to huge protest demonstrations and marches during the second quarter of the year,

4 <http://www.theguardian.com/world/2015/jun/01/honduras-protests-social-security-embezzlement>

5 <http://www.reuters.com/article/us-honduras-crime-extradition-idUSKBN0UH03Z20160103>

6 <http://www.nytimes.com/2016/03/29/sports/soccer/rafael-callejas-pleads-guilty-in-fifa-case.html>

demanding the Organization of American States set up an International Commission Against Impunity (CICIH) similar to that of Guatemala.⁷

However, the Honduran Government has proposed an alternative Support Mission against Corruption and Impunity (MACCIH), with limited powers, limited to supporting, strengthening, contributing, proposing reforms and actively cooperating with the discredited state institutions. In contrast to the CICIH, which was intended to be autonomous, independent and with powers to select, receive complaints, investigate and prosecute all high-impact crimes related to corruption and serious human rights violations; accompany and advise the public prosecutors' offices and investigation agencies and propose regulatory and institutional reforms aimed at strengthening the justice system.

Women's rights and safely at risk

More than 18,000 women and girls reported suffering sexual violence between 2010 and 2015,⁸ but guilty verdicts were received in only 5.8 percent of the cases.⁹ Complaints of domestic violence and expired or unresolved cases increased from 48 percent in 2013 to 65 percent in 2015.¹⁰ While most prosecutor offices typically receive from 6 to 7 percent of the total of the Public Prosecutor's Office budget, the budgetary resources of the Special Prosecutor's Office for Women represent 2 percent, and the Investigation Unit of Violent Deaths of Women and Femicide in turn receives 2 percent of the budget of that institution. Similarly, the budget allocated to the specialized domestic violence courts represent 0.98 percent of the total budget of the Judiciary, and the National Institute for Women (INAM) has been declining both in its status and its budget, from USD 1.3 million to

USD 1 million in 2015.¹¹

In Honduras, women are still victims of cruel and inhuman treatment as they are compelled to carry a pregnancy to term against their will, even if these are the result of rape. The country still does not consider Norway's recommendation in the last Universal Periodic Review (UPR) in 2015 on the decriminalization of abortion in cases of incest or rape.

Between 2008 and 2014, 205,375 births were reported for adolescents.¹² Forced pregnancy is a form of torture yet under Article 126 of the Honduran Penal Code, abortion in all its forms is punishable by 3 to 10 years in prison—both providers of abortion and women who seek it are subject to this punishment.¹³ A new Criminal Code is currently under discussion in the National Congress, which presents an ideal scenario for Honduras to advance in the recognition of the rights of women and decriminalize abortion on grounds of danger to the woman's life.

Thanks to lobbying by women and feminist movements, some articles aimed at improving government investment in gender and programmes to benefit women have been included in the budget legislation in the last year. However, civil society monitoring has shown they have not been observed. Legislation for solidarity credit specific for rural women has also been achieved with the approval of CREDIMUJER, but has no budget allocated.

Although in the General Provisions of the Budget for 2015 and 2016 the obligation to allocate 5 percent of municipal budget transfers for programmes and projects aimed at women has been included, this is not observed in practice; instead those resources have been transferred to the "better life" programme of the Presidency of the Republic, a mechanism to gain sympathy directly managed by the Office of the First Lady.

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<https://translate.google.com/translate?hl=en&sl=es&u=https://honduprensa.wordpress.com/tag/comision-internacional-contra-la-impunidad-honduras-cicih/&prev=search>

8 Statistics Unit of the Public Prosecutor's Office.

9 Elaborated by the CEM-H with data from the Electronic Data Center of the Judiciary, CEDIJ, Public Prosecutor's Office.

10 Electronic Data Center of the Judiciary, CEDIJ.

11 Suyapa Martínez and Noelia Núñez, Analysis of the General Provisions of Budget 2015, Center for Women Studies, Honduras CEM-H, 2015.

12 Ministry of Health, Health Statistical Area, Hospital Discharge

13 Penal Code Decree No 144-83, Honduras; see also

<https://www.womenonwaves.org/en/page/5148/abortion-law-honduras>.

In rural areas, about 300,000 households don't have access to land and those headed by women are the most affected.¹⁴ Sixty-five percent of the 2.2 million women living in rural areas live in poverty and 35 percent in extreme poverty. Only 12 percent of rural women have land to work, 11 percent have access to agricultural credit and 25 percent receive technical assistance.¹⁵ The trend is towards increasing concentration of land in the hands of agro-export companies, while the plots of small producers who have on average less than two hectares are reduced.

The reality in Honduras is one of stalled progress on sexual and reproductive rights and ending violence against women. The Government still has not repealed the executive decree that since September 2009 prohibits the promotion, use, sale and purchase of the emergency contraceptive pill by ministerial agreement of the Ministry of Health 2744/2009. In addition, it has been more than 12 years that the country has had pending the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The same is true of the implementation of the reform of the Penal Code which typifies femicide. To this must be added the poor capacity of the state to provide preventive care and protection to women in cases of violence.

Even if some bills on the rights of women have been presented, these are still stuck in the commissions of judgment of the National Congress. In this situation are included: a) Comprehensive Act on Sexual Education, b) Special Act for domestic workers, c) Act against political harassment against women d) Act for the legalization of emergency contraception.

Considering the above, achieving gender equality and empowering all women and girls by 2030, as mandated by SDG 5, will not be an easy task. An increasingly weak democracy is observed with the increasing concentration of power in the hands of President Juan Orlando Hernandez, to the extent that a Council of Defense and Security has been created, chaired by the President of the Republic and also composed of the presidents of the judicial and legislative branches.

Implementing the 2030 Agenda and progress on the SDGs requires political will. However, by prioritizing the allocation of resources to support re-militarization it is clear that the Government has not made human rights a priority. Only if civil society organizations, with the support of the international community, continue to demand compliance with these goals may the situation of the Honduran people improve.

¹⁴ Data provided by Via Campesina; cf. <http://viacampesina.org/en/>

¹⁵ Data provided by the Agrarian Platform, <http://www.plataformaagraria.hn/>