

HONDURAS

CEDAW A/47/38 (1992)

106. The Committee considered the initial, second and third periodic report of Honduras (CEDAW/C/5/Add.44, CEDAW/C/13/Add.9 and Amend.1 and CEDAW/C/HON/3) at its 193rd and 196th meetings, on 22 and 24 January 1992 (see CEDAW/C/SR/193 and 196).

107. In introducing the report, the representative of Honduras stated that recently many reforms had been carried out. As they had not been reflected in the third periodic report, she was concentrating in her presentation on the developments that had taken place since the date of that report. She said that 60 per cent of her country lived in rural areas and that, since 1979, the country had been suffering from economic difficulties. Many women from rural areas were currently working for very low wages in the urban informal sector. Most rural women carried out unpaid domestic activities. Lack of firewood caused by deforestation and shortage in water supplies because of erosion and other factors had a direct impact on the status of women, although the Government was making great efforts through the social compensation system to integrate more women in remunerative activities or to encourage them to take advantage of educational and training programmes.

108. The representative stated further that her country had been the hardest hit by the HIV/AIDS pandemic in Central America. The highest percentage of HIV/AIDS cases were to be found among women and men in the age bracket of 16 to 35 years, which is the reproductive age. The Government was trying to educate public health officials through seminars and workshops. It was carrying out general educational campaigns and provided training to women teachers regarding sex education and sexually transmitted diseases. The national AIDS control programme directed many medical and psychological support programmes specifically for women. In addition, there were national programmes regarding sex education and basic health needs specifically for rural women, including information on sexually transmitted diseases.

109. According to the representative, rural training activities were carried out with a view to integrating rural women into the productive process. She mentioned that for the acquisition of land the only requirement was to be a Honduran citizen, male or female, over the age of 16 if unmarried; of any age if married, in a de facto union or without family dependants. A Social Development Office (GADES), created in 1986 by the Government to lend assistance to the social sectors, had decided to include among its specific objectives the integration of women into programmes for the grant and ownership of rural and urban lands. The representative also referred to the possibility of introducing legal reforms, such as amendments to the Labour Code and the Penal Code, pointing out that the Social Security Laws and the Law on Agrarian Reform had recently been amended. The representative also said that efforts were being made to establish cooperatives with the aim of supplying basic commodities at acceptable prices. As an example she referred to the cooperatives set up to use the vouchers for female heads-of-household introduced for the benefit of children and mothers living in extreme poverty. The representative also mentioned a social compensation programme for women in the informal sector and for marginalized women in rural and urban areas.

Rural women were also beginning to get involved in environmental protection. Reforms of school textbooks were being carried out with the assistance of international agencies in order to eliminate stereotyping.

110. Members of the Committee expressed their thanks to the representative of Honduras for being present and for introducing the report in such a sincere and informative way and for the additional information provided. They congratulated the Government on having presented a much-improved third periodic report and expressed appreciation for the efforts undertaken by the Government despite the prevailing difficult political and economic situation, and for the positive developments that had been taking place since the ratification of the Convention. It was evident that the Convention had a visible impact on the Government's policy to enhance the status of women and had led to the amendment of a number of laws in their favour. The members also appreciated the measures undertaken by the Government to improve the lives of rural women, who had been involved in conducting agrarian reforms and were currently heading rural projects. However, members asked about the existence of a national machinery or similar body to promote the advancement of women, the dissemination of the Convention and its implementation. They were concerned at the magnitude of the problem of HIV/AIDS. Another point raised by the Committee referred to the distribution of foreign aid that was often done by men's committees and, consequently, did not cater to the needs of women. The question was asked whether and how women would be able to take part in the distribution of foreign aid funds.

111. Regarding article 2, members asked whether the assertion in the report that in connection with rape "the physical and organic damage and the moral trauma engendered in a 'male' victim may be more serious than in a woman" was the result of a study or a prejudicial concept. They also enquired whether there were plans to reform the Penal Code with regard to the sanctions for the murder of a spouse for adultery, which amounted to only 4-6 years. The government representative was asked to provide the text of the law that gave women a preferential right over the salary, wages or income of their husbands.

112. On article 3, members observed that a change in legislation was not sufficient for combating discrimination against women. It was important to implement the related laws by concrete measures. Although the third periodic report referred to a set of measures, there did not seem to be a plan of action behind them or a national machinery to carry them out. They also pointed out that the discrepancies in wages for men and women persisted and asked which programmes had been undertaken to eliminate that inequality.

113. Under article 4, members asked why so far no temporary special measures had been undertaken to ensure de facto equality between women and men. Further clarification was sought regarding maternity benefits, and the question was asked why maternity benefits were mentioned under article 4 of the Convention although that constituted basic right.

114. On article 5, more information was requested on legislation to protect women against violence of various forms or other violations of human rights. Members asked whether support services, information and training programmes to face violence existed and they requested statistics on the frequency of various forms of violence. Other questions asked were whether there were attempts to coordinate activities with women's groups and non-governmental organizations, what was being

done to protect migrant women and whether there were special programmes for refugee women. More information was sought on legislation with regard to the punishment of sexual harassment and its application.

115. Under article 6, more information was requested on the prostitution of minors, on the effectiveness of any related measures and the number of cases taken to court. Questions asked were how many and what kind of women engaged in prostitution and whether any plans existed to establish contact with non-governmental organizations to protect women from violence and abuse. It was noted that the report made no reference to AIDS programmes directed at prostitutes. Some members wanted to know whether female prostitutes received the same protection by law against violence and rape as other women.

116. On article 7, questions asked were what the citizenship status of Hondurans under the age of 18 was and whether the interdiction for active service personnel in the armed forces to exercise their right to vote did not constitute a discrimination of a certain section of the population.

117. Under article 9, information on the nationality rights of children was requested.

118. Regarding article 10, statistics were requested on the number of girls attending middle schools and universities.

119. On article 11, clarification was sought on the long duration of maternity leave and its compulsory character, and the question was asked whether the provisions contained in the Labour Code implied that women were considered intellectually and morally the weaker sex. Information was requested on any laws that guaranteed equality of women and men at the workplace, and on equality with regard to job assignment, salaries and career prospects. Members enquired about the number of women who attended professional training courses, about any actions undertaken by labour unions for guaranteeing equal employment opportunities for women and about the percentage of women in the labour force broken down by sector. A question was asked concerning the degree to which women participated in the production process and to which way they were protected against dismissal on the grounds of pregnancy. Questions were asked as to whether article 124 of the Labour Code referring to the prohibition of the termination of a pregnant woman's work contract did not, in practice, work against women, especially if women did not have the resources to resort to the courts.

120. On article 12, questions were raised about obstetric conditions of women, maternal and child health, family planning and contraception, about the results of any related health programmes, about statistics on clandestine abortions and about the number of deaths as a result of unlawful clandestine abortions. Another question asked was whether women were free to practice family planning and whether women were reluctant to refer to health counseling.

121. Regarding article 14, clarification was requested on the thrust of the Government's programme for rural women. The question was asked whether they were treated as equal to men or simply as helpmates. Members enquired about the state of health of , and the health protection for , rural women and about education in family planning. They asked whether there were programmes to encourage the establishment of agricultural cooperatives, which would be a way for women to

become economically independent.

122. On article 15, the question was asked as to whether the new Family Code abolished the husband's right to decide on the conjugal residence or whether it did away with the husband being head of household. Experts also enquired whether there was a campaign in Honduras for the repeal of the provision regarding homicide in case of adultery.

123. On article 16, clarification was requested on the order of the legitimate guardianship of minors, on the administration of the family patrimony within marriage and for the reasons for a higher marriageable age for boys than for girls. Members asked whether the legal provisions governing marital unions applied also to de facto unions and whether it was not counter-productive to imprison men for non-payment of alimony since that might further reduce the support to the family.

124. In replying to questions raised, the representative of Honduras said that, despite great efforts made by the Government to implement the Convention, many of the measures would show their effects only gradually in the course of time. She gave a summary of the country's draft forestry strategy, in which it was apparent that the Government wanted to promote the equitable integration of rural women into development. The strategy was aimed, among other things, at improving the living conditions of rural women, at facilitating the participation of women in management, conservation, protection and multiple use of forests, at promoting social and family projects to eliminate stereotypes, at seeking alternatives for fuel and water to liberate women from the task of forest protection and at introducing legal reforms. Some of the recommended actions included coordination with non-governmental organizations, training programmes, access to credit, child-care facilities and legal reforms. Under the draft strategy, the specific interests of women figured weakly in the development of national programmes because of the characteristic lack of importance attached to women. It was said that, to date, women's concerns had not been taken into account in the elaboration of national programmes. Women were not considered important by society and their concerns were not taken into account in development projects.

125. Turning to article 2, she explained that, under the Family Code, women had a preferential right over the salary and income of the husband in the quantities required for providing food for themselves and their minor children. The husband had a similar right if the wife had to contribute to the family income. Both spouses had the same duties to maintain, educate and instruct their children; in case of divorce the innocent spouse and the children were entitled to alimony. The assertion in the report that the damage and trauma engendered on a male victim of rape were more serious than on a woman was the result of the prevailing criteria for the legislators, but a reform of that concept was under consideration.

126. Referring to questions raised under article 3, she said that the Group of Parliamentary Women within the National Congress was more and more interested in reforming the laws that curtailed women's rights. That Group organized research activities and seminars that had a decisive influence on the achievement of school reforms. Recently, representatives of non-governmental organizations and women's groups had started attending those seminars. Currently, with the participation of all groups involved in women's problems, a nation-wide meeting was being held to work out a plan of action to carry out the project called "women's policies". More persons were currently being designated in different ministries to deal with women's problems. Regarding

questions raised with respect to discrepancies in wages for men and women, she said that, under the provisions of the Constitution, all persons had the right to work under equal and satisfactory conditions with equal salary. However, in practice, the principle of equal pay was not always respected. Discrimination did not so much refer to the salary as to the level of post. Many women were found in minor jobs; but the general economic deterioration had forced them to seek higher education and better work.

127. Referring to article 4, she said that the lack of mechanisms and services that would directly support women was to be explained by the scarce financial resources and the other reasons stated earlier. Temporary measures, support and control services required strong enforcement mechanisms and, while the cause of women was starting to gain importance in the country, training would have to be backed up. Consciousness-raising to eradicate remaining discrimination would be very difficult in practice. However, at the summit meeting of the heads of Central American States a new framework for action in the social field had become visible.

128. On article 5, she stated that the National Congress, the Rural Development Department and the Ministry of Health, in cooperation with some non-governmental organizations, had conducted various seminars and training workshops directed to women at the grass-roots level. Information on HIV/AIDS was being provided in the farthest reaches of the country. She said that women's organizations were trying to coordinate efforts in order to solve common problems. No special regulations existed for migrant women, but those women could refer to normal legal procedures in case of violations of their rights. Similarly, there were no special programmes for refugee women. On lingering discriminatory socio-cultural attitudes, the Ministry of Education had drafted new textbooks and prepared new training material. Although the subject of sexual harassment had not been covered by law, the Parliamentary Commission dealing with women's issues had presented a draft law to the National Congress, according to which acts involving lascivious attitudes and indecent sexual approaches between persons of different sex committed without consent were considered an offence and put under penal sanction. If such acts were committed by persons exercising authority over others, they were treated in the same way.

129. Regarding domestic violence, she explained that none of the rights based on marriage, such as the duty of fidelity, mutual succour and the duty to follow the spouse, pursuant to the Civil Code of 1906, could be enforced by police or public authorities. Police, penal legislation and society at large did not protect women from domestic violence, unless it involved homicide or serious injury, since such acts of maltreatment were considered to be mere misdemeanours. Under the Family Code the only remedy in case of violence in the family was divorce or separation. Other reasons for divorce or separation were conduct aimed at perverting the spouse or children, the refusal to assist with education and food, and the abandonment of a spouse for more than two years. The representative mentioned the length of sentences established under the Penal Code for offences against life and integrity. The Penal Code put under sanction of brief imprisonment offences against the life and physical integrity of the legal or the common-union spouse, physical violence against a pregnant woman, non-compliance with the duty of financial assistance to the family and fraudulent evasion of the duty of maintenance. The denunciation of the offence in the case of rape had to be made by the victim and, in the case of minors, by the legal representative and, if the perpetrator was the father or tutor, by the public prosecutor, trustee or district judge of first instance. Bodily harm had to be proved.

130. Regarding the legal provisions defining sexual violence, including rape, she said that they reflected patriarchal concepts and showed a disregard for women as human beings. In the case of rape, the woman's age, honesty and good reputation were paramount and the sentences were short prison terms. The procedures were often emotionally counter-productive for the victims not only because of the type of evidence required, but also because of the subjective manner in which the authorities involved often proceeded, to which in some cases could be added lack of technical training, lack of security and supervisory services, and the behaviour of certain authorities. The magnitude of violence against women was not generally recognized, and statistics existed only in the major cities, reflecting only the cases that had gone to court or were reported on by the media. For reasons of cultural stereotypes, those offences were mainly kept secret.

131. Replying to questions under article 6, she said that the National Board of Social Well-Being was attempting to coordinate actions in favour of child prostitutes by programmes of reorientation and rehabilitation for street children. Control over female prostitutes exercised up to then had been for reasons of health control, but because of economic constraints no further statistics had been established. With regard to the exploitation of prostitution, persons who promoted or facilitated prostitution or the corruption of adults of either sex were liable to imprisonment of 10-15 years and, if the victim was a minor, of 20 years. The same penalties applied to whomever promoted or facilitated the entry of a person into the country for the purposes of prostitution. The laws punishing violence were equally applicable to prostitutes, although in practice prostitutes themselves seemed to detract from the value of that fact by surrendering their rights and regarding violence as an integral part of their profession.

132. Turning to questions under article 7, she said that service personnel were not allowed to vote because the Honduran Army was a permanent, mainly professional, apolitical, obedient and non-deliberating national institution. Regarding nationality, she said that Honduran citizenship was acquired through birth or naturalization. Neither marriage nor its dissolution affected the nationality of the spouses or the children.

133. On article 10, the representative said that economic constraints reflected on the quality and level of school education. Regarding illiteracy, she explained that one third of urban illiterates were women. Many children in rural areas had no more than three years of schooling and most dropouts from school occurred after the age of 10, when both boys and girls were needed for domestic tasks.

134. Turning to article 11, she admitted that the long duration of maternity leave was a point to be discussed, but said that, because of the poor economic situation, women had not understood that it could be a reason for discrimination in the workplace. Currently, no statistics were available on the degree of participation of women in the production process; however, efforts would be made to provide data in the subsequent report. She mentioned figures for 1987 only, when 80 per cent of the working population were men and 20 per cent women. Turning to another question, discrimination on the grounds of pregnancy, the representative said that employers did indeed often ascertain, prior to contracting a woman, whether or not she was pregnant. The fact that employers gave preference to men over women in the hiring process would hopefully change over time. The provisions in the Labour Code concerning the work of women and minors were currently being revised.

135. On article 12, she stated that no information was available on the number of clandestine

abortions. Consciousness-raising in matters of family planning was gradually having positive results as evidenced by the recent decline in birth rates. Births took place in hospitals or in health centres in rural areas. Midwives received special training through the Ministry of Health, particularly with regard to sex education, the transmission of sexual diseases, and prenatal and postnatal care. The activities also of the Division for Maternal and Child Health were being further developed.

136. Answering questions raised under article 14, she explained that men were generally reluctant to allow their spouses entry into cooperatives. She mentioned, however, a seminar on women and cooperatives sponsored by the International Cooperative Alliance, held in 1991, which had worked out strategies for incorporating women into the development process, for quantifying domestic work, for allowing cooperative members to take part in juvenile training programmes and for including more women in the decision-making process. Emphasis was also laid on the importance of family planning and child-care facilities. The legislative amendments of the Agrarian Law included the wife as direct beneficiary in the adjudication of land in urban and rural areas, and also granted to the wife land rights in the absence or death of the husband and extended the property rights.

137. Turning to article 15, she said that previously the husband had decided on the conjugal residence; however, the current Family Code stipulated that the domicile of the spouses was the place, wherever either of the spouses normally had their residence, and the domicile of the children was that of the spouse with whom they normally lived.

138. Turning to article 16, she said that the order of legitimate guardianship of minors was a result of stereotyped criteria. The sanction of imprisonment of men in case of non-payment of alimony had not had any negative effects and, provided the necessary resources were available, the consciousness of men should be raised. It might be useful to find other useful sanctions by some research on the matter. Regarding the economic administration of the family household, under the Family Code, the community régime and the separation of property were possible, without excluding the formation of family patrimony. Future spouses could decide on the type of administration of matrimonial property before celebrating their marriage. Regarding the distinct legal marriageable ages for girls and boys, she said that the provision was a heritage of sexist stereotypes from the past and was now under review.

139. Members thanked the representative for the efforts made at providing such detailed and frank explanations. They recognized that certain sectors required much further action by the Government and that significant legal changes were needed to bring legislation in Honduras into line with the stipulations of the Convention, particularly as the cultural patterns were so deeply rooted that it was difficult to change them. The consciousness of both men and women needed to be raised. Without any change in thinking, legislative amendments could never have a long-lasting effect. It was to be hoped that subsequent reports would show that men were taking part in the efforts to advance women. It was also obvious that Honduras had to move forward with its economic and cultural progress. They underlined that the implementation of the Convention would contribute to the economic and social development of the country and that all energies, including the energies of women, must be put to use.

140. Special congratulations were expressed to the Government for having included information on the environmental concerns at a time when eco-feminism was emerging around the world and

women's values seemed to coincide with the values of those seeking to protect the environment. Women had a different approach to the environment, and the concept of "development" was being replaced by "sustainable development". In that evolution, women had an important role to play.

141. Concern was expressed by some members over the provision of the Honduras regulation that persons in active service were precluded from voting and that for belonging to an apolitical body a person should be deprived of one of the most fundamental rights. It was asked whether that regulation applied also to police officers and prison guards, and the Government was invited to reconsider the related provisions in the Constitution. Other members, however, showed understanding for that provision, stating that many Latin American countries had endured frequent coups d'état, and the army had to bow to the régime of the country. Military and paramilitary organizations were supposed to protect the elections and the nation, and not to be involved in politics.

142. An expert asked whether the Government was aware of the important principle of equal pay for work of equal value and the Honduran legislators were invited to take it into account in the preparation of future legal reforms.

143. In concluding observations, the Committee expressed its appreciation for the Government's efforts in implementing the Convention and in improving the status of women, while taking not of the political situation that prevailed in Honduras and also of the background of Latin America countries in general. It emphasized the interlinkage of development and social progress and pointed out that the Convention was one of the few international instruments that addressed the various aspects of human activity. In spite of the conditions prevailing in the country, it was noted that the Convention had a positive impact on the status of Honduran women. Since the time of ratification, many positive reforms had been undertaken, especially referring to the family, and the penal and agrarian codes. The Committee noted that the introduction of a new system to evaluate agrarian reforms merited closer examination and evaluation and its results should be included in subsequent reports. Some uncertainty as to whether the Penal Code discriminated against women and whether the principle of equal pay for work of equal value was respected preoccupied the Committee. The Committee felt also that the issue of violence against women required close monitoring. It was hoped that the Government would take strong measures to eliminate old stereotypes curtailing the role of women and address consciousness-raising campaigns to both women and men to allow women to contribute effectively to society.