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**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
100 Montgomery St., Suite 800
San Francisco, CA 94104**

_____)
In the Matter of)
)
Bessi Gabriela Arteaga Oseguera) **File No. A 245-883-446**
)
In Removal Proceedings)
_____)

Immigration Judge: **Gordon, Louis A.**

Next Hearing: **November 3, 2028 at 1:00 PM**

**RESPONDENT'S COUNTRY CONDITIONS IN SUPPORT OF ASYLUM AND
WITHHOLDING OF REMOVAL**

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Exhibit 1

EXCERPTS FROM COUNTRY CONDITIONS REPORTS

CC 1

HONDURAS 2024 HUMAN RIGHTS REPORT - U.S. DEPARTMENT OF STATE

Significant human rights issues included credible reports of: arbitrary or unlawful killings; disappearances; torture or cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or detention; and serious restrictions on freedom of expression and media freedom, including threats against media members by criminal elements.

The government took credible steps to identify and punish officials who committed human rights abuses, but inadequate prosecutorial resources, a weak judicial system, political interference, and corruption were major obstacles to obtaining convictions.

Criminal groups, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of homicide, torture, kidnapping, extortion, human trafficking, intimidation, and other threats and violence directed against human rights defenders, judicial authorities, lawyers, business community members, journalists, bloggers, women, union members, and other vulnerable populations. **The government investigated and prosecuted some of these crimes, but impunity was widespread.**

The Public Ministry reported 26 cases of alleged torture by security forces, while CONADEH reported 37 cases. CONADEH also reported two cases of rape by security forces, as well as four cases of sexual violence. The Public Ministry reported a total of 123 cases of cruel or inhuman treatment by security forces, and CONADEH reported 76 cases via the Ministry of Human Rights.

WORLD REPORT 2025: HONDURAS - HUMAN RIGHTS WATCH

The administration of President Xiomara Castro has made little progress in fighting corruption and restoring democratic institutions. Honduras continues to struggle with widespread corruption, a compromised judiciary, high levels of violence, and attacks against environmental defenders.

According to government data, in 2023, 64 percent of the population lived below the poverty line (down from 73.6 percent in 2021), and 41.5 percent lived in extreme poverty (down from 53.7 percent in 2021). Honduras maintains one of the highest levels of income inequality in Latin America with a Gini index of 0.52 in 2023.

Honduras has been for years among one of the most violent countries in the world, with police reporting 3,035 murders in 2023, a homicide rate of 31 per 100,000 people.

According to the latest data from the Economic Commission for Latin America and the Caribbean (ECLAC), Honduras has the highest rate of femicides in Latin America and the Caribbean, with approximately 7 femicides per 100,000 women.

GENDER-BASED VIOLENCE COUNTRY PROFILE: HONDURAS - THE WORLD BANK

Honduras has one of the highest rates of violent deaths of women in the world, by 2021, there were reported 318 violent deaths of women. **Violence against women is widespread and systematic in Honduras, affecting women and girls in numerous ways, including high levels of gun violence, domestic violence, femicide, and sexual violence.**

Within the country there are high levels of gun violence, domestic violence, femicide, and sexual violence. Individual GBV victimization is largely normalized and disregarded,

notwithstanding a collective recognition of the pervasiveness of GBV in all its forms; according to the Social Institutions and Gender Index, the percentage of ever partnered women and girls aged 15-49 years subjected to physical and/ or sexual violence by a current or former intimate partner was of 17% by 2022.

Since the pandemic, the National Observatory of Violence and others report a 4.1% increase in domestic and intra-family violence.

In 1997, Honduras adopted a Law against Domestic Violence, but current criminal penalties are minimal. This law was amended in 2006 and 2013 and includes economic violence. While the law criminalizes domestic violence and penalizes perpetrators with between two and four years imprisonment, the only legal penalty for a first offense is a sentence of one to three months of community service and “24-hour preventive detention if the violator is caught in the act. **It should also be noted that as of 2019, national criminal regulations still do not recognize various types of violence experienced by women: patrimonial violence, institutional violence, sexual violation within marriage, child marriage, and sexual harassment.**

Honduras has made some strides on the legislative and policy fronts to protect women against violence, including [...] **Nonetheless, in 2016, the Committee against Torture determined that “in reality, little has changed on the ground for victims of gender-based violence,”** despite the establishment of several laws and mechanisms to protect women and girls. As is the case with other countries in the region, in Honduras, **there are significant inconsistencies between legislation and public policy since there is no clear link between the two instruments, including discrepancies between national plans on violence against women and existing domestic violence legislation. Ultimately, the legal system and policies in place are not protecting women from GBV or providing victims with the necessary support and services. Moreover, the legal system and policies fail to hold perpetrators accountable, and the Special Rapporteur noted a “climate of widespread and systematic crime, corruption and impunity.**

Overall, however, institutional responses to GBV remain inadequate. This includes key sectors such as judiciary, public prosecution, police, health services, municipal services, and community responses. As noted by one study, there is a “lack of

coordination and cohesion among service providers and justice operators, and an alarming lack of funding.

Most women do not go to the police for help given the widespread impunity for sexual violence and femicide and the fear of retribution when their perpetrators are gang leaders or well-connected politically. Even when women do turn to local law enforcement, they receive limited to no support. In general, domestic and sexual violence cases are handled with “systematic indifference of the police.” Many argue that systemic failures are related to Honduras’ entrenched machismo and patriarchal culture while gang members and others also threaten, abduct, assault, and rape Honduran women. **The UN Special Rapporteur on Violence against Women recently reported that Honduras has a 95% impunity rate for sexual violence and femicide crimes.**

CC 4

VISIT TO HONDURAS: REPORT OF THE SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS, MORRIS TIDBALL-BINZ - UNITED NATIONS, GENERAL ASSEMBLY

Honduras has the highest rate of gender-based killings of women and girls (femicides) in Latin America. The Office of the National Commissioner for Human Rights estimates that more than 8,100 women lost their lives in violent circumstances in 2002 and 2023 combined and that 400 were murdered in 2023. Faced with these concerning figures, the State took certain positive steps, including **amending the Criminal Code in 2013 to introduce the offence of femicide, which is defined, in article 208, as the murder of a woman perpetrated by a man “in a context of unequal power relations between men and women for reasons of gender”.**

A number of public institutions with a remit to investigate and prevent femicide have been created, including the Office of the Special Prosecutor for the Protection of Women within the Public Prosecution Service and the Unit for the Investigation of Violent Deaths of Women and Femicide, created by decree in 2016. By the same decree issued in 2016, the State also created the Inter-agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides, responsible for

inter-institutional coordination, analysis, formulating recommendations for the Government, ensuring the implementation of security policies and recommending campaigns to eradicate violence against women. In 2022, the President of Honduras announced that the National Women's Institute would become a Ministry.

However, these positive legislative and institutional advances are undermined by other developments, such as the entry into force, in June 2020, of the new Criminal Code, which reduced the minimum sentence for femicide to 15 years. The reduction in sentences is compounded by a low prosecution and conviction rate in femicide cases, as well as procedural flaws in investigations. During his visit, the Special Rapporteur noted with concern the persistently high rate of femicide and the impunity that prevails. He also noted that the number of investigations and prosecutions in femicide cases remains unsatisfactory owing to a combination of budget, human resource and technical constraints, limited coverage of rural areas and poor inter-institutional coordination.

The Special Rapporteur followed with concern the high-profile case of Keyla Patricia Martínez Rodríguez, who was detained by security forces on 6 February 2021 for allegedly violating the curfew imposed during the COVID-19 pandemic and placed in custody in Police Departmental Unit No. 10 in La Esperanza (Intibucá), where she died the same day. Witnesses stated that she had been assaulted while in custody while the police claimed that she had committed suicide – a claim that was dismissed by the Office of the Special Prosecutor for Offences against Life within the Public Prosecution Service after the autopsy identified signs of manual strangulation consistent with homicide. A police officer was subsequently charged but, despite irrefutable evidence of femicide, the officer was convicted of involuntary manslaughter and, in February 2024, was granted early release after paying a fine of less than \$400. The outcome of this case attests to the degree of sexist bias and tolerance of gender-based crime that still prevails within the criminal justice system despite the authorities' efforts to prevent it. In October 2023, the Inter-agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides urged the judiciary to correct the sentence but, to date, there had been no review.

HONDURAS MUST ADDRESS WIDESPREAD IMPUNITY FOR CRIMES AGAINST WOMEN, GIRLS - UN EXPERT - UN NEWS

An independent United Nations human rights expert has urged the Government of Honduras to address the culture of widespread impunity for crimes against women and girls, while also noting that incidents of violence against women appear to be on the rise in the Central American nation.

“The climate of fear, in both the public and private spheres, and the lack of accountability for violations of human rights of women, is the norm rather than the exception,” she added.

During her mission, which took her to Tegucigalpa, San Pedro Sula and La Ceiba, Ms. Manjoo noted **“scores of concerns as regards the high levels of domestic violence, femicide and sexual violence.”**

Ms. Manjoo noted that incidents of violence against women appear to be on the rise, with an **increase of 263.4 per cent in the number of violent deaths of women between 2005 and 2013.**

The expert identified persisting and significant challenges in addressing violence against women, including the lack of effective implementation of legislation, gender discrimination in the justice system, inconsistencies in the interpretation and implementation of legislation, and the lack of access to services that promote safety and help prevent future acts of violence.

The lack of accountability for acts of violence against women and girls also remains a major obstacle, Ms. Manjoo said. **It is reported that there is a 95 per cent impunity rate for sexual violence and femicide crimes.**

AT LEAST 4,050 WOMEN WERE VICTIMS OF FEMICIDE IN LATIN AMERICA AND THE CARIBBEAN IN 2022: ECLAC - UN NEWS

In 2022, **at least 4,050 women were victims of femicide (also known as feminicide) in 26 countries and territories of Latin America and the Caribbean**, according to the latest data that official agencies reported to the Gender Equality Observatory for Latin America and the Caribbean (GEO) of the Economic Commission for Latin America and the Caribbean (ECLAC). **This is equivalent to one gender-related killing of a woman every two hours in the region.**

Of the 19 countries and territories in Latin America that reported the number of femicides or gender-related killings of women in 2022, **the highest rates were seen in Honduras (6.0 per 100,000 women)**, the Dominican Republic (2.9) and El Salvador and Uruguay (1.6).

Femicide is simply the most extreme expression of inequality, discrimination and the multiple forms of violence against women and girls, ECLAC reiterates. For example, according to specialized national surveys from 10 countries in the region, **between 42% and 79% of women (around 2 out of every 3) have been victims of gender violence in different areas of their lives.** In addition, on average, **1 in 3 women has been or currently is a victim of physical and/or sexual violence perpetrated by someone who was, or is, their partner**, which entails the risk of lethal violence, according to the World Health Organization (WHO). This corresponds to 88 million women over 15 years of age in Latin America and the Caribbean. At the same time, early and forced child marriages and unions are a harmful practice and a manifestation of gender violence that persists and is widespread in the region, affecting 1 in 5 girls.

In seven countries that reported to ECLAC, at least 400 children, adolescents and other dependents lost their mother or caregiver due to femicide in 2022.

CC 7

ANALYSIS OF VIOLENCE AGAINST WOMEN AND GIRLS IN HONDURAS | 2022 - UNITED NATIONS PROGRAMME FOR DEVELOPMENT (UNPD)

In Honduras, women are affected by a spiral of crimes that threaten their safety and lives. This can be exacerbated by crisis situations.

In 2022, reports of domestic violence decreased by 28.8% (6,907 reports) compared to 2021. 47% of women reported being victims of psychological violence, followed by physical violence at 35%. Women between the ages of 18 and 30 are the most frequent victims of domestic violence. Approximately 8 out of 10 reports of sexual offenses in 2022 were filed by women. 66% (1,806 victims) were under 18 years of age, with the 13-17 age group accounting for the majority of reports at 40% (1,093 victims).

Young women are the primary target of violent deaths in Honduras; 37% (112 victims) of all violent deaths were among women aged 18 to 30. 44% (134 victims) of these deaths were related to domestic violence.

Over the past decade, an average of 305 women have disappeared each year. In 2022, 357 disappearances of women were recorded, with girls under 18 being the most affected, representing 37%.

CC 8

IMPACT OF ORGANIZED CRIME ON WOMEN, GIRLS AND ADOLESCENTS IN NORTHERN CENTRAL AMERICAN COUNTRIES - INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (CIDH) REPORT

The Commission observes with great concern the high figures for disappearances of women, particularly girls and young women, in Central America's Northern Triangle, noting that many of these disappearances may be linked to individuals involved in organized crime, especially in areas under its control.

Notwithstanding, the Commission notes that the numerous challenges in reporting, investigating, and solving cases of missing women and girls in these countries include the persistent absence of a gender perspective in search and investigation procedures and the lack of information, provisions, or methodologies to link this form of violence against women with

the activities of criminal groups. It further notes that, given the threats and intimidation to which women and girl victims of violence and their families are subject, these crimes are generally not reported to the authorities. In addition to perpetuating their risk and heightening the impunity surrounding these crimes, this results in a lack of understanding of the phenomenon and its scope and impedes the adoption of appropriate measures to combat it.

Many women abandon their home, undertaking dangerous journeys to save themselves or the lives of their families when they have been victims of violence, witnesses to acts of violence, victims of extortion, threatened (including with death), or fear that their sons and daughters will fall victim to the rampant social violence in the country.

CC 9

I REPORTED IT: DOMESTIC VIOLENCE HONDURAS - PAN AMERICAN HEALTH ORGANIZATION (PAHO)

Honduras is a country that, within Latin America, has one of the highest rates of violence in general.

In Honduras, it is reported that 35% of women face domestic violence and 10-15% sexual violence.

CC 10

FEMICIDE HAS BECOME AN EPIDEMIC IN HONDURAS, SAYS ORGANIZATION - "G1" NEWS

Cases increased 263% between 2005 and 2013, says an NGO. Honduras has the highest homicide rate in the world.

The Women's Rights Center presented a study showing that 12 women per 100,000 inhabitants died violently in Honduras.

The World Health Organization (WHO) establishes that a country reaches epidemic level when it reaches a rate of 8.8 deaths per 100,000 inhabitants - "which makes these crimes considered an

epidemic," explained Claudia Herrmannsdorfer, spokesperson for the organization.

According to the report, femicides increased "alarmingly" in Honduras: 263% between 2005 and 2013. The document also details that in 2013, 636 women were murdered, one every 14 hours. Although this number fell to 526 in 2014, cases are expected to rise in 2015. As of May, 152 femicides had been recorded in the country.

Honduras has the highest homicide rate in the world, with 68 homicides per 100,000 inhabitants in 2014, according to the National University's Observatory of Violence.

CC 11

UN CALLS ON HONDURAS TO TAKE ACTION ON ALARMING NUMBER OF FEMICIDES - "UOL" NEWS

The UN agency expressed "its concern" because in 2023, 380 women were murdered in Honduras, 24.2% more than in 2022. Furthermore, "the 911 system recorded 78,214 reports of violence against women between January and November 2023," it laments.

"It is equally worrying" that "at least 11 women were murdered in the first ten days of 2024," he added.

CC 12

90% OF FEMICIDES IN HONDURAS GO UNPUNISHED, STUDY FINDS - "BRASIL DE FATO" NEWS

A study released this Tuesday (10) by the Violence Observatory of the National Autonomous University of Honduras indicates that **90% of the cases of femicide that occurred in the country in the last 15 years went unpunished.**

According to data collected by the university, **27% of women said they had suffered domestic violence at least once and nine out of ten were victims of sexual abuse.**

At least 127 women were murdered in the first half of 2018. In 2017, the country recorded 380 cases of femicide. In total, 5,600 women have been murdered in Honduras over the past 15 years. According to the survey, **the country averages one murder every 18 hours.**

The most vulnerable group, according to the study, is between 15 and 39 years old. **Most recorded murders are caused by domestic violence.** Furthermore, women are the most affected by organized crime and drug trafficking, two major problems currently facing Honduras.

CC 13

HUMAN RIGHTS DEFENDER CALLS 2025 A TRAGIC YEAR FOR FEMICIDES IN HONDURAS - "EL MUNDO" NEWS

Tegucigalpa – Human rights defender Honorina Rodríguez described 2025 as a tragic year for Honduran women this Sunday due to the alarming increase in femicides and reports of abuse in the country. The activist revealed that, according to unofficial figures, approximately 129 women have lost their lives violently this year, a statistic she considers unacceptable for Honduran society.

In her statements, Rodríguez criticized the state of emergency implemented by the government for not including any specific provisions to prevent gender-based violence, which she considers a serious omission in the design of national security policies. According to her data, only 10% of registered cases have received a judicial response in the last 20 years, raising the impunity rate to over 90% for these types of crimes against Honduran women.

Exhibit 2

Honduras 2024 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Honduras during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; disappearances; torture or cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or detention; and serious restrictions on freedom of expression and media freedom, including threats against media members by criminal elements.

The government took credible steps to identify and punish officials who committed human rights abuses, but inadequate prosecutorial resources, a weak judicial system, political interference, and corruption were major obstacles to obtaining convictions.

Criminal groups, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of homicide, torture, kidnapping, extortion, human trafficking, intimidation, and other threats and violence directed against human rights defenders, judicial authorities, lawyers, business community members, journalists, bloggers, women, union members, and other vulnerable populations. The government investigated and prosecuted some of these

crimes, but impunity was widespread.

Section 1. Life

a. Extrajudicial Killings

There were numerous reports the government or its agents committed arbitrary or unlawful killings during the year. The quasi-governmental, semiautonomous National Human Rights Ombudsman (CONADEH) reported various security forces committed six arbitrary or unlawful killings during the year. The Public Ministry reported three cases, involving at least five members of the Honduran National Police. No further information was publicly available regarding these incidents.

CONADEH reported two killings of human rights activists by unknown assailants as of October: Luis Alonso Teruel Vega, a reporter covering environmental actions, including deforestation, and Juan López, a well-known and respected environmental defender. Three arrests were made in the López case, and the investigation into additional conspirators continued as of November.

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Section 2. Liberty

a. Freedom of the Press

The law provided for freedom of expression, including for members of the press and other media, with some restrictions, and the government generally respected this right. Although many press outlets were politically aligned, the press and prevailing democratic norms combined to promote freedom of expression, including for media members. Some media owners noted they were excluded from official events and blocked from receiving government advertising revenue as retribution for perceived antigovernment reporting.

Senior government representatives criticized civil society and members of the international community for comments perceived as critical of the government. Civil society groups reported these statements had a chilling effect on freedom of expression. CONADEH reported two cases of restrictions on the right of expression by security forces and another case related to threats or harassment against journalists and social communicators by government officials. The Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Officials reported two cases of threats against journalists.

Physical Attacks, Imprisonment, and Pressure

Journalists and other members of civil society reported they self-censored due to fear of criticism, harassment, and retribution by the government and its supporters. Others reported direct acts of intimidation or threats of violence from government officials or supporters for being critical of the government. Civil society organizations criticized the government's failure to investigate threats and incidents of violence adequately. CONADEH reported two cases of violent attacks and two cases of violence and slander on journalists and social communicators.

Social communicator Magaly Zelaya Ferman was assaulted by security forces while reporting on a road blockade during a protest in September.

Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

Media members and nongovernmental organizations (NGOs) stated the press self-censored due to fear of retaliation from criminal groups or drug trafficking organizations, or criticism by government officials. Media also engaged in self-censorship to avoid losing lucrative advertising contracts with the government.

On March 13, the minister of security criticized a prominent NGO for its continued reporting on the state of the country and the impact of the

government's policy decisions, and announced the government had opened an investigation into the NGO and the validity of its status as an NGO.

Some journalists and other members of civil society reported threats from members of criminal groups. It was unclear how many of these threats were related to the victims' professions or activism. Several anonymous social media sites criticized journalists (as well as activists and civil society organizations) who were critical of the government or of opposition party policies.

b. Worker Rights

Freedom of Association and Collective Bargaining

The law granted workers the right to form and join unions of their choice, bargain collectively, and strike. It prohibited employer retribution against employees for engaging in trade union activities. The law placed restrictions on these rights, such as requiring that a recognized trade union represent at least 30 workers, prohibiting foreign nationals from holding union offices, and requiring that union officials work in the same substantive area of the business as the workers they represented. The law prohibited members of the armed forces and police, as well as certain other public employees, from forming labor unions. The Ministry of Labor and Social Security also required that union leaders be employed under permanent contracts, limiting the ability of seasonal agricultural workers to exercise their right to

freedom of association.

The law required an employer to begin collective bargaining once workers established a union, and it specified that if more than one union existed at a company, the employer had to negotiate with the largest.

The law placed numerous limits on the right to strike. It allowed only local unions to call strikes, prohibited labor federations and confederations from calling strikes, and required that a two-thirds majority of both union and nonunion employees at an enterprise approve a strike. The law prohibited workers from legally striking until direct negotiations and government-accompanied mediation and conciliation had failed. The Ministry of Labor had the power to declare a work stoppage illegal and grant employers the ability to discipline employees consistent with their internal regulations, including by firing strikers. In addition, the law limited strikes in sectors the government designated as essential services but did not necessarily meet the criteria for essential services. The law required workers in public health care, social security, staple food production, and public utilities (municipal sanitation, water, electricity, and telecommunications) to provide basic services during a strike. The law also required that public-sector workers involved in the refining, transportation, and distribution of petroleum products submit their grievances to the Ministry of Labor. The law permitted strikes by workers in export-processing zones and free zones for companies that provided services to industrial parks, but it required that

strikes not impede the operations of other factories in such parks.

The government did not effectively enforce the law regarding labor rights. No information was available on whether penalties for violations of freedom of association, collective bargaining, and the right to strike were commensurate with those for analogous violations such as civil rights violations. Penalties were rarely applied against violators. Employers frequently refused to comply with Ministry of Labor orders that required them to reinstate workers who had been dismissed for participating in union activities. The Ministry of Labor could order a company to reinstate workers, but the ministry lacked the personnel and transportation resources to verify compliance. By law, the ministry could fine companies that violated the right to freedom of association. The law permitted fines, and the penalty was commensurate with those for other laws involving denials of civil rights, such as discrimination. Penalties were sometimes applied against violators, but the failure of the government to collect fines facilitated continued violations.

Workers had difficulty exercising the right to form and join unions and to engage in collective bargaining. Various NGOs reported multiple cases of workers being dismissed for being union leaders and members. Solidarity Center reported several dozen union leaders fled the country for safety concerns due to fear. Public-sector trade unionists raised concerns regarding government interference in trade union activities, including its

ignoring or suspending collective agreements and its dismissals of union members and leaders. Solidarity Center reported police agents threatened three union leaders from different organizations.

Some employers either refused to engage in collective bargaining or made it very difficult to do so. Some companies also delayed appointing or failed to appoint representatives for required Ministry of Labor-led mediation, a practice that prolonged the mediation process and impeded the right to strike. Unions also raised concerns that employers used temporary contracts to prevent unionization and to avoid providing full benefits.

The government investigated violence and threats of violence against union leaders. Impunity for such crimes was high. In June, police used a water cannon against workers protesting suspension of work contracts by Delta Corporation. Minor injuries were reported.

Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acceptable Work Conditions

Wage and Hour Laws

The law provided for a minimum wage for most sectors. There were 45 categories of monthly minimum wage, based on the industry and the size of

a company's workforce; minimum wages were above the poverty income level. The minimum wage law did not cover domestic workers, most of whom were women.

The law prescribed a maximum eight-hour shift per day for most workers, a 44-hour workweek, and at least one 24-hour rest period for every six days of work. It also provided for paid national holidays and annual leave. The law required overtime pay, banned excessive compulsory overtime, limited overtime to four hours a day for a maximum workday of 12 hours, and prohibited the practice of requiring workers to complete work quotas before leaving their place of employment.

In some industries, including agriculture, domestic service, and security, employers did not respect maternity rights or pay minimum wage, overtime, or vacation. In these sectors, employers frequently paid workers for the standard 44-hour workweek irrespective of any additional hours they worked. In the security and domestic service sectors, workers were frequently forced to work more than 60 hours per week but were paid only for 44 hours. Employers frequently penalized agricultural workers for taking legally authorized days off. Employers paid the minimum wage inconsistently in other sectors. Civil society continued to raise problems with minimum wage violations, highlighting agricultural companies in the south as frequent violators.

Occupational Safety and Health

Occupational safety and health (OSH) standards were appropriate for the main industries in the country, and OSH experts proactively identified unsafe conditions, in addition to responding to workers' OSH complaints. By law, workers could remove themselves from situations that endangered their health or safety without jeopardizing continued employment. Under the inspection law, the Ministry of Labor had the authority to temporarily shut down workplaces where there was an imminent danger of fatalities. Enforcement of OSH standards was particularly weak in the construction, garment assembly, and agricultural sectors, as well as in the informal economy.

Wage, Hour, and OSH Enforcement

The Ministry of Labor was responsible for enforcing wage, hour, and OSH laws, but it did so inconsistently and ineffectively. Penalties for violations of OSH law were commensurate with penalties for similar crimes such as negligence but rarely applied against violators and rarely collected.

The law permitted fines for wage and hour violations; these were commensurate with the penalties for similar crimes, such as fraud. The government sometimes applied penalties against violators, but failure to collect fines facilitated wage and hour violations. The Ministry of Labor had an insufficient number of inspectors to enforce the wage, hour, and OSH

laws effectively. Inspectors had the authority to make unannounced inspections and initiate sanctions.

While all formal workers were entitled to social security, there were reports both public- and private-sector employers failed to pay into the social security system. The Ministry of Labor could levy a fine against companies that failed to pay social security obligations, but the amount was not sufficient to deter violations.

According to a 2024 World Bank survey, 58 percent of workers were in the informal economy. The government did not enforce the labor laws in this sector since these workers were not protected by the labor code.

c. Disappearance and Abduction

Disappearance

There were seven official reports of enforced disappearances by or on behalf of government authorities, according to CONADEH.

Prolonged Detention without Charges

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements, but there were reports of arbitrary arrest and detention due to the state of exception.

Lengthy pretrial detention was a serious problem due to judicial inefficiency, insufficient resources, and other problems that delayed proceedings in the criminal justice system. The Ministry of Human Rights reported 8,945 individuals were in the prison population awaiting processing. For crimes with minimum sentences of six years' imprisonment, the law authorized pretrial detention of up to two years. The prosecution could request an additional six-month extension, but many detainees remained in pretrial detention much longer, including for more time than the maximum period of incarceration prescribed for their alleged crime. The law did not authorize pretrial detention for crimes with a maximum sentence of five years or less.

The law mandated that authorities release detainees whose cases had not yet come to trial and whose time in pretrial detention already had exceeded the maximum prison sentence for their alleged crime. Nonetheless, many prisoners remained in custody after completing their full sentences, and sometimes even after an acquittal, because officials failed to process their releases expeditiously. CONADEH reported 236 cases regarding access to justice and due process of law by security forces, and nine cases of violations of due process.

d. Violations in Religious Freedom

See the Department of State's annual *International Religious Freedom*

Report at <https://www.state.gov/religiousfreedomreport/>.

e. Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibited such practices, there were credible reports of abuses by members of the security forces.

The Public Ministry reported 26 cases of alleged torture by security forces, while CONADEH reported 37 cases. CONADEH also reported two cases of rape by security forces, as well as four cases of sexual violence. The Public Ministry reported a total of 123 cases of cruel or inhuman treatment by security forces, and CONADEH reported 76 cases via the Ministry of Human Rights.

The Ministry of Human Rights reported 21 prisoners died while in custody, five of whom died because of violence. The causes of six other deaths were under investigation. CONADEH reported 14 cases of alleged torture and 21 cases of cruel and inhuman treatment of detainees and prisoners by security

forces within penitentiary institutions, and another case of rape or sexual abuse of a person while in detention.

Corruption, a lack of investigative resources, and judicial delays led to widespread impunity, including for members of security forces, although justice institutions prosecuted and sentenced security forces for human rights violations.

b. Protection of Children

Child Labor

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

Child Marriage

The minimum legal age of marriage was 18. The government did not enforce the law effectively. International NGOs reported 34 percent of girls and 12 percent of boys were married before age 18, with the practice more prevalent in rural areas. Most unions were informal rather than a formal marriage.

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing

protection and assistance to refugees, returning refugees, or asylum seekers, and other persons of concern.

Provision of First Asylum

The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees. Its operations to receive and process asylum applications relied on support from UNHCR. UNHCR's support focused on providing training to officers of the National Institute for Migration, supporting decisions and application of international refugee determination standards on submitted claims, and improving reception conditions for asylum seekers.

d. Acts of Antisemitism and Antisemitic Incitement

The Jewish community numbered approximately 150 members. There were no reports of antisemitic incidents.

Exhibit 3

World Report 2025: Honduras | Human Rights Watch

[hrw.org/world-report/2025/country-chapters/honduras](https://www.hrw.org/world-report/2025/country-chapters/honduras)

December 8, 2024

Honduras

Events of 2024

The administration of President Xiomara Castro has made little progress in fighting corruption and restoring democratic institutions. Honduras continues to struggle with widespread corruption, a compromised judiciary, high levels of violence, and attacks against environmental defenders.

Judicial Independence and Corruption

In [September](#), President Castro presented to the United Nations Secretary-General António Guterres a second draft agreement to create an International Commission against Corruption and Impunity in Honduras (CICIH). The revised proposal would ensure CICIH's independence and autonomy, allow it to independently prosecute cases, investigate high-profile cases, propose legislative changes, and train personnel to fight corruption. However, progress on establishing the CICIH remains slow.

As of September, [UN experts](#) have [visited](#) Honduras four times to provide technical assistance and assess the legal system and anti-corruption capabilities. They identified [several laws](#) that hinder investigations into corruption. Congress abrogated some of such laws, but a law prohibiting sanctions against legislators for actions taken "in the exercise of their duties" remained in place at time of writing.

In [September](#), Carlos Zelaya, Castro's brother-in-law and a congressional leader, resigned after admitting to [meeting](#) with drug traffickers in 2013. Zelaya's son, who was minister of defense, also resigned.

A few days before Zelaya's resignation, Castro annulled an extradition treaty with the United States, which had allowed for the extradition of Honduran nationals accused of drug trafficking, including former President Juan Orlando Hernández, who was sentenced to 45 years in prison by a US federal court [in March](#).

Human Rights Defenders

Attacks on human rights defenders intensified in 2023. The UN Office of the High Commissioner for Human Rights (OHCHR) in Honduras [reported](#) that 453 human rights defenders and journalists were harassed, threatened, or intimidated in 2023 and 15 were killed.

According to OHCHR, at least four human rights defenders were killed between January and September, including [Juan López](#), an environmental defender, who was murdered in September, in the municipality of Tocoa, Colón department. [Three activists](#) working for the same environmental organization as [López](#) were killed in 2023.

The mechanism [Honduras](#) created in 2015 to protect journalists, human rights defenders, and justice officials has serious flaws: It lacks financial autonomy, qualified staff experienced in human rights issues, and trust from defenders.

Land Rights

Land rights and natural resource disputes remain a pressing issue in Honduras, with Indigenous peoples, Afro-Honduran communities, and peasants disproportionately affected by violence, illegal land seizures, and forced displacement.

In [September](#), Honduras' Supreme Court declared unconstitutional the laws permitting the creation of so-called Areas of Employment and Economic Development (ZEDEs), geographic areas in which private companies were granted broad governance powers, including to establish their own courts. Human Rights Watch [criticized](#) ZEDEs and called for their repeal. The court ruled that the ZEDE framework violated human rights.

[Honduras Próspera Group Inc.](#), a company which owns a ZEDE in Honduras, brought a case against Honduras before the International Centre for Settlement of Investment Disputes (ICSID) for the repeal of the legal framework for special economic zones. Próspera filed for damages of US\$10.7 billion, approximately 30 percent of Honduras' [2023](#) GDP. [In February](#), Honduras denounced the ICSID Convention.

Economic, Social and Cultural Rights

According to government data, in 2023, 64 percent of the population lived below the poverty line (down from 73.6 percent in 2021), and 41.5 percent lived in extreme poverty (down from 53.7 percent in 2021). Honduras maintains one of the highest levels of income inequality in Latin America with a Gini index of 0.52 in 2023.

Illiteracy is a significant problem in Honduras. Over 31 percent of people aged 60 and older and over 13 percent of people over 15 years old could not read or write in 2023. Only 56 percent of children between 12 and 14, and 28 percent between 15 and 17, were attending school. School attendance rates are significantly lower in rural areas.

[In July](#), Honduras co-sponsored a UN Human Rights Council [resolution](#) establishing a working group that would draft a new optional protocol to the Convention on the Rights of the Child on the rights to early childhood education, free pre-primary and secondary education.

Public Security

Honduras has been for years among one of the most violent countries in the world, with police [reporting](#) 3,035 murders in 2023, a homicide rate of 31 per 100,000 people. Between [January and September](#), preliminary police data indicated 1,854 murders, a 26 percent drop compared to the same period in 2023.

[According to the latest data](#) from the Economic Commission for Latin America and the Caribbean (ECLAC), Honduras has the highest rate of femicides in Latin America and the Caribbean, with approximately 7 femicides per 100,000 women.

A state of emergency, adopted in December 2022 to fight extortion and related crimes, was [extended](#) 15 times and remains in place. It suspends the rights to freedom of association and peaceful assembly and to be informed of the reason for arrest, among others. [OHCHR](#) and the [UN Human Rights Committee](#) expressed concern about the extended use of the emergency without a comprehensive, rights-based security policy, saying it resulted in abuses.

Structural problems in the penitentiary system persist, including overcrowding and inadequate infrastructure. [As of September](#), prisons held over 19,000 detainees, 21 percent more than their capacity. Almost half of the people were in pretrial detention, [official statistics show](#). [In June](#), Castro announced the creation of a new "megaprison" for 20,000 people.

Migration, Asylum, and Internal Displacement

[As of 2023](#), there were 216,000 Honduran asylum seekers abroad, mostly in the United States and Mexico, with 84,000 others recognized as refugees.

Gang violence and other factors, including climate change, caused the internal displacement of about 247,000 people between 2019 and 2024, government [data shows](#).

Access to Abortion and Emergency Contraception

Abortion in Honduras is banned in all circumstances, including when the life of a woman, girl or pregnant person is in danger. People who have abortions, and those who provide them, face up to six years in prison.

In December 2022, President Castro approved a protocol to guide health centers in caring for survivors of sexual violence, including access to emergency contraception. The president signed an executive order in March 2023 lifting the ban on the use and sale of emergency contraception, but the Strategic Group on Emergency Contraception (Grupo Estratégico PAE), a reproductive rights group, reported that emergency contraception remains unavailable in the public health system, access is not free, and the protocol for survivors has yet to be implemented.

[In April](#), the Center for Reproductive Rights and Centro de Derechos de la Mujer, two women's rights organizations, brought a case before the UN Human Rights Committee on behalf of Fausia, an Indigenous Honduran woman who became pregnant after being raped in retaliation for her human rights work. Under Honduras' total ban on abortion and, at the time, emergency contraception, she was forced to proceed with her pregnancy and faced threats while seeking medical assistance.

Sexual Orientation and Gender Identity

Lesbian, gay, bisexual, and transgender (LGBT) people in Honduras continue to suffer high levels of violence and discrimination in all areas of life, forcing some to flee. Honduras has failed to comply with key measures ordered by the Inter-American Court of Human Rights in 2021, including to create a legal gender recognition procedure for transgender people. Honduras does not allow same-sex marriage and lacks comprehensive anti-LGBT discrimination legislation.

Browse countries

Exhibit 4

Gender-Based Violence Country Profile

HONDURAS



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INTRODUCTION

Honduras has a small and informal economy that is predominantly agricultural, but its strategic location, solid industrial base, ample resources, and young population indicate potential for inclusive and resilient economic growth. From 2010-2019, the country experienced average annual GDP growth of 3.1 percent, driven by remittances-fueled private consumption, and supported by responsible macroeconomic policies.¹

Despite the growth, Honduras remains one of the poorest and most unequal countries in the region, with nearly half of the population living on less than US\$6.85 per day in 2019. The COVID-19 pandemic and hurricanes Eta and Iota had a significant impact on the economy in 2020, leading to a contraction in real GDP, an increase in poverty, and job losses, with social assistance programs having limited impact due to low coverage.²

Honduras has one of the highest rates of violent deaths of women in the world, by 2021, there were reported 318 violent deaths of women.³ Violence against women is widespread and systematic in

Honduras, affecting women and girls in numerous ways, including high levels of gun violence, domestic violence, femicide, and sexual violence. Despite those figures, Honduras has a lower percentage of women who have experienced intimate partner violence compared to the world average.⁴ Honduras is both a source and transit country for human trafficking, with women being the most affected by it. The COVID-19 pandemic has exacerbated the situation, resulting in an increase in reported cases of domestic and intra-family violence.⁵

¹ Overview. (n.d.). World Bank. <https://www.worldbank.org/en/country/honduras/overview>

² Ibid

³ Sevencan, S. (2022). Honduras sees 318 cases of femicide in 2021: Report. Anadolu Agency. <https://www.aa.com.tr/en/americas/honduras-sees-318-cases-of-femicide-in-2021-report/2486705#:~:text=Over%20300%20women%20were%20killed,violence%20they%20were%20subjected%20to.>

⁴ Social Institutions and Gender Index (n.d) <https://www.oecd.org/stories/gender/social-norms-and-gender-discrimination/sigi?country=HND>

⁵ U.S. Department of State. (2022). Trafficking in persons report. <https://www.state.gov/reports/2022-trafficking-in-persons-report/honduras/>

PREVALENCE OF GENDER-BASED VIOLENCE: PRE- AND POST-COVID

UN Women Prevalence Data on Different Forms of Violence against Women⁶:

- Lifetime Physical and/or Sexual Intimate Partner Violence: 27.8%
- Physical and/or Sexual Intimate Partner Violence in the last 12 months: 6.8%
- Lifetime Non-Partner Sexual Violence: Official National Statistics Not Available
- Child Marriage: 33.6%

Honduras has a GII value of 0,431, ranking it 107 out of 170 countries in 2021.

Regarding the Gender Gap Index, Honduras has decreased in scores resulting in its position in rank 82nd a considerable decline compared to its previous rank (67th).

Honduras has one of the highest rates of violent deaths of women in the world. In In 2020, 278 women

were murdered in Honduras.⁷ By 2021, there were reported 318 violent deaths of women, translating to one murder every 27 hours.⁸ Accordingly, a study developed by the Gender Equality Observatory for Latin America and the Caribbean, states that femicide rate per 100,000 women was 4.6 by 2021 and that 234 cases were reported. As for women's deaths at the hands of their intimate partner or former partner Honduras rate was 1.0 (21%).

Violence against women is widespread and systematic in Honduras, and it affects women and girls in numerous ways. Within the country there are high levels of gun violence, domestic violence, femicide, and sexual violence. Individual GBV victimization is largely normalized and disregarded, notwithstanding a collective recognition of the pervasiveness of GBV in all its forms; according to the Social Institutions and Gender Index, the percentage of ever partnered women and girls aged 15-49 years subjected to physical and/or sexual violence by a current or former intimate partner was of 17% by 2022.⁹

⁶ UN Women Global Database on Violence against Women (n.d.). Honduras. <https://evaw-global-database.unwomen.org/en/countries/americas/honduras?formofviolence=7b8d7298a96749eea9d64c16f104c540>

⁷ UNSDG. (2021). Violence against women, the other pandemic impacting Honduras. <https://unsdg.un.org/latest/stories/violence-against-women-other-pandemic-impacting-honduras>

⁸ Sevencan, S. (2022). Honduras sees 318 cases of femicide in 2021: Report. Anadolu Agency. <https://www.aa.com.tr/en/americas/honduras-sees-318-cases-of-femicide-in-2021-report/2486705#:~:text=Over%20300%20women%20were%20killed,violence%20they%20were%20subjected%20to>

⁹ Social Institutions and Gender Index (n.d) <https://www.oecd.org/stories/gender/social-norms-and-gender-discrimination/sigi?country=HND>

In Honduras, the labor force participation rate among females is 49.4% and among males is 77% for 2022. In the same sense, vulnerable employment for females has improved in Honduras since 1991. Nevertheless, vulnerable employment among women is 48.6% and among men is 34.9% in Honduras for 2019. Workers in vulnerable employment are the least likely to have formal work arrangements, social protection, and safety nets to guard against economic shocks; thus they are more likely to fall into poverty.¹⁰

Surprisingly, in Honduras the share of women who have experienced intimate partner violence is less than the world average. Intimate partner violence is by far the most prevalent form of violence against women globally but in Honduras the percentage of women ages 15-49 who have ever experienced any form of sexual violence is 12.5% while the percentage of women ages 15-49 who have ever experienced intimate partner violence is 21.6%.¹¹

In contrast to the trend in many countries in the region, intimate femicides¹² in Honduras amount to less than 20% of the total, indicating that femicidal violence is perpetrated mainly by strangers or people with whom the victim had no emotional ties (See **Appendix 1**).¹³ Indeed, a recent analysis from the IDB

shows that the characteristics of femicide in Honduras differ from trends in other Latin American countries and the rest of the world in which a significant proportion of cases correspond to intimate femicide (by partner, ex-partner), while in Honduras most are perpetrated by organized crime and a significant number are classified in the category “not determined.”¹⁴

Studies also show a high prevalence of school-related gender-based violence (SRGBV). One recent survey revealed that almost half of all children have suffered some type of abuse in school.¹⁵ These indicate a high prevalence of harassment by teachers, including sexual harassment, and the infiltration of organized criminal groups and youth gangs into = schools, often using technology. Violence in the household is a major factor in SRGBV, with many directly linking violence in the home, street, and school.¹⁶

Finally, Honduras is both a source and transit country for human trafficking, and women are particularly vulnerable to sex trafficking. According to the U.S. Department of State 2022 Trafficking in Persons Report, the Government of Honduras reported investigating 148 trafficking cases—64 cases for sex trafficking and related crimes, five cases for forced labor, and 79 cases of unspecified exploitation.

¹⁰ *Ibid*

¹¹ *Ibid*

¹² That is, those killings where the perpetrator is or was in a conjugal, cohabiting, dating, or occasional amorous liaison relationship with the victim (Definition: Addressing violence against women and girls during and after the COVID-19 pandemic requires Financing, Responses, Prevention and Data Compilation, 2020).

¹³ United Nations Economic Commission for Latin America and the Caribbean. (2020). Addressing violence against women and girls during and after the COVID-19 pandemic requires financing, responses, prevention and data compilation. <http://hdl.handle.net/11362/46425>

¹⁴ IDB. (2019). *Femicide in Honduras*.

¹⁵ USAID. (2019). *Monitoring and evaluation support for collaborative learning and adapting (MESCLA) activity: Gender-based violence study in Western Honduras*, submitted to USAID by the Global Women's Institute at the George Washington University and Estudios e Investigaciones de Centroamérica.

¹⁶ *ibid*

This compares with 82 cases investigated for sex trafficking and related crimes in 2020 and 91 in 2019. Authorities initiated prosecutions of 43 suspects (27 for sex trafficking and 16 for forced labor), compared with nine initiated in 2020 (seven for sex trafficking and two for forced labor) and 55 in 2019 (53 for sex trafficking, including procuring commercial sex acts, and two for forced labor). The government convicted 18 sex traffickers, compared with 14 traffickers convicted in 2020 (10 for sex trafficking, two for forced labor, and two for both sex trafficking and forced labor) and 34 traffickers convicted in 2019 (33 for sex trafficking/procuring commercial sex acts and one for forced labor).¹⁷

The 2012 Honduran anti-trafficking law provides penalties of up to 15 years' imprisonment for human trafficking; nonetheless, despite increased law enforcement efforts, Honduras continues to have problems with data collection, victims' services, and the prosecution of offenders. Instances of trafficking remain "grossly underreported due to the hidden nature of the crime" as well as the prevalence of organized crime. Furthermore, authorities are often complicit, precluding any progress towards effective prevention and prosecution.¹⁸

With the onset of the COVID-19 pandemic in March 2020, the National 911 Emergency System saw an increase in reported complaints of domestic violence and sexual harassment. At the same time, there was a reduction in physical care services and access to justice due to COVID-19 mitigation measures.

Since the pandemic, the National Observatory of Violence and others report a 4.1% increase in domestic and intra-family violence.¹⁹ In the first year of the pandemic, Honduras recorded 171 murders of women since the state-mandated curfew implemented in March due to the pandemic.²⁰ This is also reflected in the figures provided by the Gender Equality Observatory for Latin America and the Caribbean, a femicide rate of 4.6 per 100,000 women by 2021 and 234 cases reported.

Another issue during the pandemic was the lack of reliable statistical data as neither the Investigative Police Department (DPI) nor the public prosecutors had timely accurate data regarding GBV. The two femicide units, the Special Prosecutor for the Protection of Women and the Prosecutor for Crimes against Life were not travelling to communities to register complaints.

¹⁷ U.S. Department of State. (2022). *Trafficking in persons report*. <https://www.state.gov/reports/2022-trafficking-in-persons-report/honduras/>

¹⁸ *Ibid*

¹⁹ Education Development Center. (2020, November 23). *Let's talk about it: violence against women in Honduras*. <https://www.edc.org/lets-talk-about-it-violence-against-women-honduras>

²⁰ Centro de Derechos de Mujeres. (2020). *Observatorio de violencias contra las mujeres*. <https://derechosdelamujer.org/project/2020/>

POLICY AND LEGAL FRAMEWORK

Gender equality in the legal framework: With regards to overall gender equality in the legal framework, according to the World Bank's 2023 Women, Business and the Law study, Honduras scores 75 out of 100 (over 8 indicators). When it comes to constraints on freedom of movement, laws affecting women's decisions to work, constraints on women starting and running a business, and gender differences in property and inheritance, Honduras gets a perfect score. However, when it comes to laws affecting women's pay, constraints related to marriage, laws affecting women's work after having children, and laws affecting the size of a woman's pension, Honduras could consider reforms to improve legal equality for women.²¹

The following data points illustrate various gender aspects in Honduras' legal framework²²: a) It is unclear what the legal age of marriage is in Honduras; while the Civil Code sets the minimum age for marriage without parental consent at 14 for boys and 12 for girls, the Family Code establishes that 21 as the minimum age without parental consent; b) The Civil Code establishes that only the "innocent" partner may initiate divorce, which can be either spouse; c) Rape is considered a "public crime" in Honduras, and proceedings can be initiated even if the victim does not press charges; spousal rape is included in the general definition of rape; d) Abortion is legal in Honduras only to save the

life of the mother; e) With regards to political voice, women and men have the same legal right to vote and stand for election, and there are legislated candidate quotas at both the national and sub-national levels.

International conventions on GBV: Honduras is party to several international conventions that guarantee equality, non-discrimination, and freedom from violence for women and girls, including the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the "Convention of Belem Do Para," the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the Convention on the Rights of the Child (CRC). Honduras ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment in 1996 which clarified that domestic violence falls under the purview of the obligations set forth in the Convention.

In 1997, Honduras adopted a Law against Domestic Violence, but current criminal penalties are minimal.

This law was amended in 2006 and 2013 and includes economic violence. While the law criminalizes domestic violence and penalizes perpetrators with between two and four years imprisonment, the only legal penalty for a first offense is a sentence of one to three months of community service and "24-hour preventive detention

²¹ World Bank (2023). *Women, Business and the Law 2021*. <https://wbl.worldbank.org/content/dam/documents/wbl/2023/snapshots/Honduras.pdf>

²² OECD Social Institutions and Gender Index. (2014). Honduras. <https://www.genderindex.org/country/honduras-2014-results/>

if the violator is caught in the act.²³ It should also be noted that as of 2019, national criminal regulations still do not recognize various types of violence experienced by women: patrimonial violence, institutional violence, sexual violation within marriage, child marriage, and sexual harassment.²⁴

In 2013, Honduras amended its Criminal Code to include the crime of femicide, as well as to add a provision that makes the commission of a crime with hatred or contempt on the basis of sex or gender an aggravating circumstance.

Honduras has made some strides on the legislative and policy fronts to protect women against violence, including²⁵:

I. The National Policy on Women: Second Gender Equality Plan to “combat violence against women in different environments” as well as to further the promotion, protection, and assurance of the “right of women, girls, and adolescents to peace and to a life free of violence.” This Gender Equality Plan has produced “a normative framework of public policies recognizing and guaranteeing the rights of women,” which has served as a critical “technical and policy tool for mainstreaming gender equality.”

II. The National Plan to Combat Violence against

Women 2013-2022, which aims to prevent and prosecute gender-based crimes; and

III. Additional measures to improve the collection of statistics related to and services for victims of violence against women.

Nonetheless, in 2016, the Committee against Torture determined that “in reality, little has changed on the ground for victims of gender-based violence,” despite the establishment of several laws and mechanisms to protect women and girls. As is the case with other countries in the region, in Honduras, there are significant inconsistencies between legislation and public policy since there is no clear link between the two instruments, including discrepancies between national plans on violence against women and existing domestic violence legislation.²⁶ Ultimately, the legal system and policies in place are not protecting women from GBV or providing victims with the necessary support and services. Moreover, the legal system and policies fail to hold perpetrators accountable,²⁷ and the Special Rapporteur noted a “climate of widespread and systematic crime, corruption and impunity.”²⁸

Regarding human trafficking in Honduras, the Committee against Torture noted that “legal provisions do not cover trafficking for reasons other than sexual purposes and that officials suspected of

²⁴ IDB. (2019). *Femicide in Honduras*.

²⁵ *The Advocates for Human Rights*. (2016). *Honduras' compliance with the Convention Against Torture parallel report relating to violence against women*.

²⁶ UNDP. (2017). *From commitment to action: Policies to end violence against women in Latin America and the Caribbean*. <https://www.undp.org/latin-america/publications/commitment-action-policies-end-violence-against-women-latin-america-and-caribbean>

²⁷ *ibid*

²⁸ *The Advocates for Human Rights*. (2016). *Honduras' compliance with the Convention Against Torture parallel report relating to violence against women*.

trafficking activities are not properly investigated” and recommended that Honduras “amend the Criminal Code to include all exploitative purposes of trafficking” as well as “conduct training for law enforcement officials, migration officials and border police on the causes, consequences and incidence of trafficking

and other forms of exploitation.” The Committee also noted “the lack of comprehensive and disaggregated data on complaints, investigations, prosecutions, and convictions of cases of torture and ill-treatment by law enforcement officials, as well as on trafficking in persons and domestic and sexual violence.”²⁹

GBV RESPONSE MECHANISMS AND SERVICES

Over the years, Honduras has sought to improve access to justice with actions such as:

- **Establishing specialized courts on domestic violence and a Gender Unit (2013)**, which provide training and information on issues related to all forms of discrimination against women through the design and implementation of campaigns on the cycle of violence. Currently, three courts exist nationwide with limited coverage and staffing;³⁰
- **Launching of mobile courts** in Choluteca, San Pedro Sula, and Tegucigalpa which have been able to provide more localized services and receive complaints to be referred to the special domestic violence courts;
- **Creating a femicide unit** within the Directorate-General of Criminal Investigation;
- **Establishing domestic violence offices (2013)** at all departmental headquarters; and
- **Opening of reporting centers (2013)** in Tegucigalpa and San Pedro Sula where women can report crimes and seek medical attention, in addition to the 298 government-operated women’s offices (one in each municipality) providing services to women focusing on the prevention of GBV.

Overall, however, institutional responses to GBV remain inadequate. This includes key sectors such as judiciary, public prosecution, police, health services, municipal services, and community responses. As noted by one study, there is a “lack of coordination and cohesion among service providers and justice operators, and an alarming lack of funding. Additionally, the demand greatly outstrips supply of services, typically centralized in urban areas, leaving a large majority of

²⁹ *ibid*

³⁰ USAID. (2015). *Gender-based violence analysis for USAID/Honduras*.

the population without any support.”³¹

Most women do not go to the police for help given the widespread impunity for sexual violence and femicide and the fear of retribution when their perpetrators are gang leaders or well-connected politically.

Women express that there is no point in going to the police because they do not get involved in domestic affairs while others fear retribution. Even when women do turn to local law enforcement, they receive limited to no support. In general, domestic and sexual violence cases are handled with “systematic indifference of the police.”³² Many argue that systemic failures are related to Honduras’ entrenched machismo and patriarchal culture while gang members and others also threaten, abduct, assault, and rape Honduran women.³³ The UN Special Rapporteur on Violence against Women recently reported that Honduras has a 95% impunity rate for sexual violence and femicide crimes.³⁴

Regarding health services, one of the main contributions of health sector to address GBV is the creation of the Family Counseling Units (Consejerías de Familia) in 1993. The Consejerías are tasked to “function as a monitoring mechanism and guarantee of human rights, and to prevent and provide assistance, protection and support to victims of interfamily violence.” 23 Consejerías are strategically

located at hospitals and health centers in populated neighborhoods and are meant to serve as a one-stop-center, providing multi-sectorial case management for victims, including counseling, assistance from a social worker, and legal services in one location. Some of them also provide counseling to male perpetrators and work on redefining masculinity. Although these are meant to cover the whole country, less than 12 Consejerías are still operational, most providing only limited services due to scant resources.³⁵

Municipal services and community responses: In the absence of sufficient specialized national bodies to address GBV, several municipalities have created their own structures, mainly through the Municipal Offices for Women (Oficinas de la Mujer, OMM). The OMMs are often the first point of entry (after the police) for victims of GBV looking for support. There are significant variations between OMMs in each municipality, largely determined by the political will of the mayor, local advocacy, and the availability of financial resources. Due to the limited support from the national and municipal governments, community groups often assume a particularly important role.³⁶

Additional actions include:

— **Línea 114 “Vivir Sin Violencia Y Con Respeto”**

³¹ USAID. (2015). *Gender-based violence analysis for USAID/Honduras*.

³² Kelly, A. (2011, May 28). Honduran police turn a blind eye to soaring number of ‘femicides.’ *Guardian*. <http://www.theguardian.com/world/2011/may/29/honduras-blind-eye-femicides> See also: <http://www.s21.com.gt/internacionales/2015/11/17/cada-16-horas-muere-una-mujer-violencia-machista-honduras, Nov 17, 2015>

³³ *The Advocates for Human Rights*. (2016). *Honduras’ compliance with the Convention Against Torture parallel report relating to violence against women*.

³⁴ Office of the High Commissioner for Human Rights. (2014, July 10). *Special Rapporteur on Violence Against Women finalizes country mission to Honduras and calls for urgent action to address the culture of impunity for crimes against women and girls*. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14847&LangID=E>

³⁵ USAID. (2015). *Gender-based violence analysis for USAID/Honduras*.

- (2010) which provides aid to survivors of violence over the phone (available only in the city of Tegucigalpa)³⁷
- **Safe Houses (“Casas Refugio,” 2010)**, six safe houses established with state support through organized civil society networks of women against violence.
 - Implementation of the campaign “Without Violence During the Emergency” and “INAM Supports You” which is designed to promote INAM’s GBV services and the co-responsibility of care at home;
 - Strengthening the Municipal Offices for Women (OMMs), providing technological resources to facilitate their functions during the emergency situation; and
 - Strengthening of statistical capacities to facilitate the exchange of data with the Supreme Court of Justice, for the monitoring of violence against women.
- Finally, the following additional national and local measures were implemented during the COVID-19 pandemic by the National Institute of Women (INAM), among others (See Appendix 2 for additional examples):
- Design of prevention campaigns and new protocols and strategies for attention to violence against women;
 - Creation of multi-sectoral response teams who virtually provide psychological, social, and legal assistance services to GBV survivors;

It should be noted in particular that Honduras was one of a limited number of countries in the region where all or part of services to address violence against women were declared essential as part of the government’s response for preventing and addressing gender-based violence, allowing greater access for women and girls during the pandemic than in neighboring countries.³⁸

Examples of Notable Interventions to Address GBV

In 2016, the Government implemented **Ciudad Mujer**, a project (replicating an existing model in neighboring El Salvador) designed to assist female victims of violence through providing integrated public services to women and focusing on economic independence, protection, and social development. There are now 6 Ciudad Mujer throughout the country, as well as a Mobile Ciudad Mujer (See Appendix 3).⁴⁰

³⁶ *ibid*

³⁷ UN Women Global Database on Violence against Women (n.d.). Honduras. <https://evaw-global-database.unwomen.org/en/countries/americas/honduras?formofviolence=7b8d7298a96749eea9d64c16f104c540>

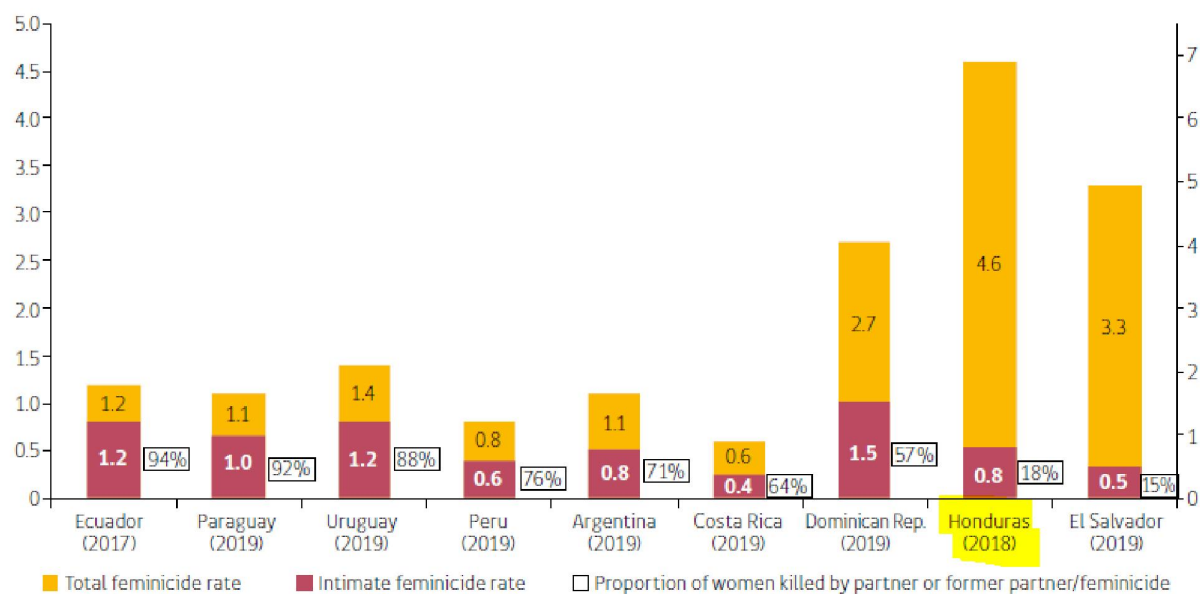
³⁸ United Nations Economic Commission for Latin America and the Caribbean. (2020). Addressing violence against women and girls during and after the COVID-19 pandemic requires financing, responses, prevention and data compilation. <http://hdl.handle.net/11362/46425>

³⁹ Agencias, Gobierno de Honduras replicará proyecto de El Salvador para víctimas de violencia. (2016, June 21). Radio La Primerísima. <http://www.radiolaprimerisima.com/noticias/resumen/205182/gobierno-de-honduras-replicara-proyecto-de-el-salvador-para-victimas-de-violencia>

⁴⁰ Ciudad Mujer. (n.d.). <https://www.ciudadmujer.gob.hn/direcciones/>

APPENDIX 1 – LATIN AMERICA (9 COUNTRIES): TOTAL AND INTIMATE FEMINICIDES⁴¹

Figure 3
Latin America (9 countries): total and intimate feminicides, latest year available
(Rates per 100,000 women)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean [online] <https://oig.cepal.org/en>.

⁴¹ United Nations Economic Commission for Latin America and the Caribbean. (2020). Addressing violence against women and girls during and after the COVID-19 pandemic requires financing, responses, prevention and data compilation. <http://hdl.handle.net/11362/46425>

APPENDIX 2 – SERVICES AVAILABLE DURING COVID-19 FROM INAM

(2 OF 5 POSTERS PUBLISHED FOR DIFFERENT DEPARTMENTS)

¡LLÁMANOS!

PSICOLOGÍA SAN PEDRO SULA

LUNES 9607-6117 - 7:00AM A 7:00PM 8880-0382 - 8:00AM A 8:00PM 3373-2174 - 10:00AM A 10:00PM	MARTES 9619-4186 - 8:00AM A 8:00PM 3214-2311 - 10:00AM A 10:00PM	MIÉRCOLES 9607-6117 - 7:00AM A 7:00PM 9619-4186 - 8:00AM A 8:00PM 3373-2174 - 10:00AM A 10:00PM 3214-2311 - 10:00AM A 10:00PM
JUEVES 9607-6117 - 7:00AM A 7:00PM 8880-0382 - 8:00AM A 8:00PM 3373-2174 - 10:00AM A 10:00PM 3214-2311 - 10:00AM A 10:00PM	VIERNES 9619-4186 - 8:00AM A 8:00PM 3373-2174 - 10:00AM A 10:00PM 3214-2311 - 10:00AM A 10:00PM	SABADO 9607-6117 - 7:00AM A 7:00PM DOMINGO 3373-2174 - 10:00AM A 10:00PM 3214-2311 - 10:00AM A 10:00PM

TRABAJO SOCIAL
LUNES A VIERNES
9892-5921 - 7:00AM A 7:00PM

ASESORÍA LEGAL
LUNES A VIERNES
3378-7340 - 8:00AM A 2:00PM
9951-4781 - 10:00AM A 5:00PM
3163-2247 - 10:00AM A 5:00PM

#InamTeAcompaña #SinViolenciaAnteLaEmergencia

MUJER SI ERES VÍCTIMA DE VIOLENCIA EL INAM TE APOYA

TEGUCIGALPA ¡LLÁMANOS!

ASESORÍA LEGAL - PSICOLÓGICA - TRABAJO SOCIAL

LUNES MARTES MIÉRCOLES	8:00AM A 8:00PM	9863-6096 9801-2882
JUEVES VIERNES SABADO	8:00AM A 8:00PM	9566-7272 9651-1157

#InamTeAcompaña #SinViolenciaAnteLaEmergencia

APPENDIX 3 – UN WOMEN: MEASURES AGAINST VIOLENCE AGAINST WOMEN (HONDURAS)⁴²



<https://evaw-global-database.unwomen.org/en/countries/americas/honduras>

⁴² UN Women Global Database on Violence against Women (n.d.). Honduras. <https://evaw-global-database.unwomen.org/en/countries/americas/honduras?formofviolence=7b8d7298a96749eea9d64c16f104c540>

GLOSSARY

Gender	Roles that are determined socially, behaviours, activities, and attributes that a society considers appropriate for men and women. These roles are contextual and influenced by a society's culture and traditions, as well as by prevailing religious beliefs.
Gender-Based Violence (GBV)	Any act of violence that results in, or the nature of which causes, physical, sexual, or psychological harm or suffering to someone because of his or her sex. This including threats through similar acts, coercion, or arbitrary deprivation of liberty, whether in public or private life (UN, 1993).
Sex	Refers to the biological and physiological characteristics which differentiate men and women.
Sexual Exploitation	Any real or attempted abuse of a position of vulnerability, power differential, or relationship of confidence for a sexual purpose, including, but not limited to, taking financial, social, or political advantage of another through sexual means.
Sexual Abuse	Real or threatened physical intrusion of a sexual nature, whether it be by force or under unequal or coercive conditions.
Sexual Harassment	Unwelcomed sexual advances, demand for sexual favors, or any other verbal or physical behavior of a sexual nature. In the workplace, submission to these advances or behaviors may made either implicitly or explicitly a condition of continued employment, promotion, or other decisions affecting a person's employment.

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Social Sustainability and Inclusion Global Practice,
Latin America and the Caribbean Region

Published: June 2023

Exhibit 5

**Human Rights Council****Fifty-sixth session**

18 June to 12 July 2024

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Visit to Honduras****Report of the Special Rapporteur on extrajudicial, summary or
arbitrary executions, Morris Tidball-Binz*, *****Summary*

The secretariat has the honour to submit to the Human Rights Council the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, on his official visit to Honduras, which took place from 22 May to 2 June 2023. During his visit, the Special Rapporteur examined existing measures and national efforts to prevent and investigate unlawful killings, including deaths resulting from institutional violence, deaths in custody and gender-based killings.

The Special Rapporteur acknowledges the legacy of human rights violations and violence inherited by the current Government and commends the political discourse acknowledging the existing gaps and challenges as well as the willingness to address past violations and prevent their recurrence. He underscores the structural challenges that are impeding efforts to uphold the right to life, including the impunity for criminal offences and corruption that is endemic in State institutions. Despite systematic reporting of unlawful killings and State efforts to provide reparations for the families of victims, very few cases are investigated and in even fewer cases are the perpetrators prosecuted.

In his report, the Special Rapporteur offers practical and context-specific recommendations for improving the prevention and investigation of unlawful killings, enhancing accountability and effectively safeguarding the right to life, especially the lives of vulnerable persons and groups. The Special Rapporteur stands ready to assist the Government of Honduras in the effective implementation of his recommendations.

* The present report was submitted after the deadline so as to include the most recent information.

** The summary of this report is being circulated in all official languages. The report itself is contained in the annex and is being circulated in the language of submission and English only.



Annex

Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, on his visit to Honduras

I. Introduction

1. At the invitation of the Government of Honduras, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, conducted an official visit to Honduras from 22 May to 2 June November 2023. The purpose of the visit was to obtain first-hand information on the situation with regard to extrajudicial, summary or arbitrary executions and to identify good practices and challenges in relation to efforts to uphold the right to life. The Special Rapporteur also examined progress made towards ensuring protection for individuals and groups – especially those in vulnerable situations, as well as accountability for victims and members of their families – and preventing future attacks on the right to life in Honduras.

2. The Special Rapporteur expresses his sincere gratitude to the Government of Honduras for its invitation, for the cooperation extended to him and for the constructive dialogue that took place prior to and during the visit. He also commends the Government's openness, and its readiness to assume responsibility for past violations and address deep-rooted, structural problems in order to prevent any recurrence.

3. During the visit, the Special Rapporteur met with representatives of the executive, legislative and judicial branches, including senior government officials from the Office of the President, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Defence and the Ministry of Human Rights, as well as representatives of law enforcement agencies including the Office for Security in Police Matters, the Directorate of the National Police and the Directorate of the National Prison Institute. He also met with the President, with members of the Supreme Court, the Public Prosecution Service and specialized prosecutors' offices, including the Office of the Special Prosecutor for Human Rights, the Office of the Special Prosecutor for Offences against Life, the Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage, the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators, and with representatives of the Specialist Criminal Investigation Agency, the Directorate General of Forensic Medicine (including its Director General) and the Special Unit for the Investigation of Violent Deaths in Bajo Aguán, attached to the Public Prosecutor's Office. Additionally, he met with the President of the National Congress and members of the parliamentary committees on human rights, constitutional affairs and justice, with the Counsel General and with representatives of national human rights institutions such as the Office of the National Commissioner for Human Rights and the National Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment.

4. The Special Rapporteur also met with relatives of victims of extrajudicial, summary and arbitrary executions, with representatives of civil society organizations and academic institutions including the Observatory on Violence of the University Institute for Democracy, Peace and Security of the National Autonomous University of Honduras and the International Committee of the Red Cross, and with several United Nations agencies, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP).

5. In the capacity of forensic doctor, Mr. Tidball-Binz ran a training session and took part in a workshop organized to formulate a protocol for the investigation and prosecution of violent deaths of LGBTIQ+ persons across the country, in conjunction with the Honduras country office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and civil society organizations. The Special Rapporteur also met with

organizations representing victims killed for having defended land rights, the rights of Indigenous and Afro-Honduran Peoples and the protection of the environment.

6. The Special Rapporteur thanks the OHCHR country office in Honduras for its invaluable support during preparations for the visit and while the visit was under way. He also expresses his deepest gratitude to the families of the victims of unlawful killings and to civil society organizations for their commitment to his work and the trust they placed in him.

7. In the course of the 12-day visit, the Special Rapporteur travelled to the cities of Tegucigalpa, San Pedro Sula, La Ceiba and Trujillo, the towns of El Progreso and Tocoa and the Bajo Aguán region, where he met with local authorities, victims' families and civil society organizations. He also visited the national prison in Támara.

8. The Special Rapporteur looks forward to continuing the constructive dialogue with the Government and other stakeholders with a view to ensuring the effective implementation of the recommendations contained in this report.

II. Background

A. Political, economic and social context

9. The scars of a history of political and economic instability are visible in the deep inequalities and high levels of crime, including drug smuggling and gang violence, that permeate Honduran society. These problems, combined with entrenched corruption, excessive use of force and repressive policies, have for decades facilitated grave human rights violations committed with impunity.

10. In 1963, a military coup overthrew the democratically elected Government of President Ramón Villeda Morales and ushered in a series of authoritarian military Governments that, until 1981, engaged in systematic campaigns of arbitrary detention, torture, enforced disappearance and extrajudicial execution of political opponents in application of its national security doctrine. These campaigns were primarily carried out by special military counterinsurgency units and the infamous Battalion 3-16, a death squad under the command of military intelligence officers.¹ In 1981, a civilian President, Roberto Suazo Córdova, was elected in free and democratic elections. The Constitution entered into force in January 1982.

11. In 2009, a coup d'état illegally ousted the then President Manuel Zelaya. Numerous serious human rights violations were committed under the de facto Government that took control following the coup.² The Truth and Reconciliation Commission created in 2010³ determined that State agents were implicated in 12 extrajudicial killings caused by disproportionate use of force and eight homicides motivated by discrimination. The Commission issued 84 recommendations, including recommendations on justice, reparations and guarantees of non-repetition.

12. The Government's repressive response to the 2017 post-election protests gave rise to further human rights violations. These included excessive use of force, including lethal force, by agents of the security forces, and specifically the Public Order Military Police and the Army, which resulted in deaths and serious injuries among demonstrators, and also among bystanders, that passed without investigation and without the perpetrators being brought to justice.⁴

13. Following an exponential increase in violence in the early 2000s and an expansion in gang activity fuelled by gang members returning to Honduras, the homicide rate grew, peaking between 2011 and 2013 at 90.4 victims per 100,000 inhabitants per year, at that time

¹ E/CN.4/2003/3/Add.2, para. 15.

² See <https://www.cidh.org/pdf%20files/HONDURAS2009ESP.pdf>.

³ Executive Decree No. PCM-011-2010, art. 1.

⁴ See <https://www.ohchr.org/sites/default/files/Documents/Countries/HN/INFORMETEM%C3%81TICO2017Enero2020.pdf>, para. 56.

the highest in the world.⁵ Despite a 17 per cent reduction in the national homicide rate as of 2023, the rate remains high, at almost 32 homicides per 100,000 inhabitants.⁶ The main cause of violent death is firearm injury (accounting for 77.8 per cent of violent deaths of men and 69.3 per cent of violent deaths of women), which is attributed primarily to a lack of effective gun control by the State.

14. The two main gangs are MS-13 (Mara Salvatrucha) and the 18th Street gang (Mara Barrio 18). These gangs act with brutal violence, controlling the lives of residents in the neighbourhoods where they operate, extorting “taxes”, forcing children and young persons to collect these “taxes” or sell drugs, and forcing young women, who are also often subject to rape, torture and even death in inter-gang conflicts, to carry drugs and weapons.⁷ The gangs are also the main source of violence, including homicides, in prisons.

15. The former National Anti-Gang Task Force – a special unit of the National Police that operated from 2013 to 2022 – and other security forces working to combat gangs have engaged in deadly operations targeting vulnerable population groups such as young persons and residents of marginalized neighbourhoods that have given rise to extrajudicial killings. After its dissolution, the National Anti-Gang Task Force was replaced by the Police Directorate for Combating Gangs and Organized Crime, with the stated purpose of comprehensively addressing both ordinary and organized crime.

16. Inherited political and security challenges, compounded by high levels of corruption, including organized crime, have had a devastating effect on the economy of Honduras, which remains one of the poorest and most unequal countries in the region.⁸ The coronavirus disease (COVID-19) pandemic coupled with the effect of hurricanes Eta and Iota pushed the rate of extreme poverty up to 57.7 per cent in 2020. Economic recovery had helped to reduce this rate to 41.5 per cent by 2023, but extreme poverty remains high, mainly owing to the absence of equitable access to land and natural resources, particularly for Indigenous Peoples, persons of African descent and campesinos.⁹

B. Current structural and institutional challenges

17. Impunity is endemic in the case of femicide (90 per cent) and crimes against LGBTIQ+ persons (90 per cent), against bloggers and journalists (93 per cent), against children and adolescents (95 per cent) and against land defenders (97 per cent), among other crimes. Past violations, including the killing of protesters during the violence that erupted following the 2017 elections, remain unpunished.¹⁰ In most cases of alleged human rights violations in which the security forces are implicated monitored by OHCHR, the investigations and prosecutions have failed to identify the perpetrators or establish the chain of command.¹¹

18. Corruption in public institutions has been rampant. The country is ranked 154th out of 180 in the Transparency International Corruption Perceptions Index.¹² The main factors linking corruption to extrajudicial killings are: (a) the lack of accountability of police and military officers accused or suspected of homicides; (b) the corruption that affects public officials responsible for investigating, prosecuting and punishing homicides; and (c) attempts by the authorities to shield officials from accountability. In 2022, the Secretariat of the United

⁵ A/HRC/35/23/Add.1, para. 15.

⁶ Homicide data infographic, 2018 to 2023, available at: <https://www.sepol.hn/sepol-estadisticas-honduras.php?id=158>.

⁷ A/HRC/35/23/Add.1, para. 23.

⁸ See <https://www.bancomundial.org/es/country/honduras/overview>.

⁹ See A/HRC/55/22.

¹⁰ Ibid.

¹¹ Ibid.

¹² See <https://www.transparency.org/en/press/transparency-international-concerned-over-threats-to-civic-space-honduras>.

Nations and the Government of Honduras signed a memorandum of understanding¹³ for the establishment of an international, independent, impartial, and autonomous mechanism to fight corruption and impunity in Honduras. Also in 2022, the State Secretariat for Transparency and the Fight against Corruption was created and a national transparency and anti-corruption strategy for the period 2022–2026 was drawn up in order to address the problem in a comprehensive manner.

III. Legal, institutional and political framework

A. Ratification of relevant international and regional instruments

19. Honduras has ratified the nine core international human rights treaties and the additional protocols thereto. These include the International Covenant on Civil and Political Rights, article 6 of which enshrines the right to life, and the Second Optional Protocol thereto, aiming at the abolition of the death penalty. Honduras is a party to the American Convention on Human Rights, article 4 (1) of which also enshrines the right to life and article 27 of which establishes the non-derogability of certain rights, and has recognized the jurisdiction of the Inter-American Court of Human Rights.¹⁴ According to the Constitution, ratified international treaties form part of domestic law and take precedence in the event of conflict with national legislation.¹⁵

B. Legal framework

20. The Constitution of Honduras establishes the inviolability of the rights to life, dignity and physical, moral and psychological integrity and safeguards the right not to be subjected to torture or cruel, inhuman or degrading treatment.¹⁶ It also recognizes the right to petition for habeas corpus and *amparo*.¹⁷ These provisions are fleshed out in the Criminal Code, which penalizes the offence of ordinary homicide in article 192 and the offence of aggravated homicide (homicide committed with brutality and premeditation) in article 193.¹⁸ The Criminal Code was amended in 2011 to introduce the offences of torture, femicide, hate crime against women and against lesbian, gay, bisexual and transgender persons, incitement to hatred, and discrimination through the media. Another amendment, introduced in 2012, established enforced disappearance as a specific offence.

21. The Public Prosecution Service oversees criminal investigations and proceedings before the courts and the institutions that carry out these functions, including the Specialist Criminal Investigation Agency;¹⁹ the Directorate General for Forensic Medicine and close to 850 offices across the country, including 17 agencies and 11 units specialized in specific categories of crime.²⁰ Representatives of the Public Prosecution Service told the Special Rapporteur that the main challenges it faced stemmed from a lack of sufficient resources, which undermined its ability to investigate offences effectively and efficiently, to uphold human rights and to reduce crime in general. Additionally, the fact that the Directorate General for Forensic Medicine is not independent from the Public Prosecution Service undermines its neutrality. A bill to address this shortcoming is pending adoption in Congress.

¹³ See <https://www.un.org/sg/en/content/sg/note-correspondents/2023-05-04/note-correspondents-international-independent-impartial-and-autonomous-mechanism-against-corruption-and-impunity-honduras>.

¹⁴ See http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights_sign.htm.

¹⁵ Constitution of the Republic of Honduras, art. 18.

¹⁶ *Ibid.*, arts. 65 and 68.

¹⁷ *Ibid.*, arts. 182 and 183.

¹⁸ See [https://www.poderjudicial.gob.hn/Cedij/Cdigos/CodigoPenalDecretoNo130-2017-fusionadoconreformas\(August2023\).pdf](https://www.poderjudicial.gob.hn/Cedij/Cdigos/CodigoPenalDecretoNo130-2017-fusionadoconreformas(August2023).pdf).

¹⁹ See <https://www.mp.hn/publicaciones/mp-y-cn-dan-seguimiento-a-resultados-de-la-unidad-especializada-en-la-investigacion-de-muerte-de-mujeres-y-femicidios-de-la-atic/>.

²⁰ See <https://www.mp.hn/estructura-organica/unidades-especializadas/>.

22. The Police Investigations Directorate is tasked with assisting prosecutors throughout the country in the investigation of criminal offences, including potentially unlawful deaths. However, the Directorate reports to the Ministry of Security, which poses problems for its impartiality when investigating offences perpetrated by members of the security forces.

23. The national human rights institution is the Office of the National Commissioner for Human Rights, has been accredited with “A” status by the Global Alliance of National Human Rights Institutions. The Office is present in all 18 departments of the country and is mandated to receive complaints of human rights violations, including killings, to investigate such complaints and to make appropriate recommendations to State authorities. Of the total number of complaints handled by the Office in 2023, 12.42 per cent concerned death threats. In the period 2021–2023, around 4,700 persons reported having received death threats and many of them were forced to relocate internally or abroad as a result.

IV. Good practices and positive developments

24. In view of the opportunity for change arising from the election of Xiomara Castro, who took office as the first woman President of Honduras on 27 January 2022 and promised to move forward on human rights and to tackle corruption, the Special Rapporteur notes that many of the observations and recommendations made by his predecessors²¹ remain relevant to the fight against the entrenched impunity for extrajudicial, summary and arbitrary executions that has been reported over the past four decades.

25. The Special Rapporteur acknowledges the long-standing structural problems inherited by the new Administration that constitute the root cause of human rights violations including, among the most prevalent, extreme poverty and inequality, rampant corruption, conflict over land, violence, insecurity, impunity, institutional weakness and the patriarchal culture. He also acknowledges the progress made in 2023 towards compliance with the recommendations of international human rights mechanisms, including the adoption of a legal framework to strengthen the independence of the judiciary, the repeal of the Act on the Classification of Public Documents relating to National Security and Defence, progress in environmental matters, and the adoption of the Act on the National DNA Database System.

26. The Special Rapporteur commends recent reparation and remembrance initiatives that recognize the State’s responsibility for crimes committed in application of the national security doctrine. In 2023, Honduras publicly acknowledged its responsibility for the extrajudicial killing of Herminio Deras García in January 1983 and for the multiple human rights violations committed against his family for 30 years, as ordered by the Inter-American Court of Human Rights.²² In February 2024, the Government announced the creation of the National Centre for Historical Memory, which will contribute to the implementation of measures of reparation for the crimes of the past. The Special Rapporteur underscores that meaningful accountability for criminal offences, including extrajudicial killings, through the prosecution of those responsible and the application of penalties commensurate with the gravity of the offence, is the only way to prevent recurrence and provide comprehensive reparation for the families of the victims.

27. On 30 August 2023, with technical assistance from OHCHR, the Committee of the Families of Detained and Disappeared Persons in Honduras presented to President Castro a bill containing a draft law on the victims of the national security doctrine in the period 1980-1993. The bill envisages a series of measures related to the rights to truth, justice, reparation and guarantees of non-repetition for victims and their families. The bill also includes a proposal to create and strengthen, with input from victims and organizations, institutions specialized in the investigation and prosecution of serious human rights violations and mechanisms for the search, location, recovery, identification and dignified return of the skeletal remains of victims of enforced disappearance.

²¹ Visits by previous mandate holders: Asma Jahangir in 2001 (E/CN.4/2003/3/Add.2) and Christof Heyns in 2016 (A/HRC/35/23/Add.1).

²² *Deras García et al vs. Honduras*, judgment of 25 August 2022.

28. The Special Rapporteur acknowledges the adoption of executive and legislative decrees related to violations committed in the context of the 2009 coup d'état, including:

- Decree No. 4-2022, granting financial assistance to the direct descendants and/or ascendants of persons killed during the 2009 coup d'état
- Executive Decree No. 17-2022, establishing a programme of social benefits for family members of the victims of arbitrary execution during the 2009 coup d'état known as "the martyrs of the Honduran resistance"
- Executive Decree No. 13-2023, creating the Programme of Memory, Truth, Reparation, Justice and Non-Repetition for the Reconciliation and Refoundation of Honduras

29. In March 2023, the Office of the Undersecretary for Security submitted to Congress a bill to create a decentralized, independent national institute of forensic medicine and science, in accordance with international standards.²³

V. Principal conclusions on the right to life

A. Right to life of groups and individuals in situations of vulnerability

30. During his visit, the Special Rapporteur was alerted to the long history of attacks on the right to life that has characterized the country's recent past. These attacks, which are still happening, entail death threats and executions targeting vulnerable groups and individuals, including women and girls, LGBTIQ+ persons, persons of African descent and Indigenous persons, children, human rights defenders, including land and environmental defenders, journalists and social media activists. In the 70 cases of killings of human rights defenders documented by OHCHR between 2018 and 2023, 67.1 per cent of the victims were dedicated to the defence of land, territory and/or the environment. The victims were from Indigenous groups in 13 cases and were persons of African descent in 14 cases. In the same period, OHCHR documented at least five cases of enforced disappearance, involving four Garifuna women and one transgender woman.

1. Women and girls (femicide)

31. Honduras has the highest rate of gender-based killings of women and girls (femicides) in Latin America.²⁴ The Office of the National Commissioner for Human Rights estimates that more than 8,100 women lost their lives in violent circumstances in 2002 and 2023 combined and that 400 were murdered in 2023. Faced with these concerning figures, the State took certain positive steps, including amending the Criminal Code in 2013 to introduce the offence of femicide, which is defined, in article 208, as the murder of a woman perpetrated by a man "in a context of unequal power relations between men and women for reasons of gender". In 2022, the Ministry of Women's Affairs was created as the lead institution for national policy on women.²⁵

32. A number of public institutions with a remit to investigate and prevent femicide have been created, including the Office of the Special Prosecutor for the Protection of Women within the Public Prosecution Service and the Unit for the Investigation of Violent Deaths of Women and Femicide, created by decree in 2016.²⁶ By the same decree issued in 2016, the State also created the Inter-agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides,²⁷ responsible for inter-institutional coordination, analysis,

²³ A/HRC/50/34, para. 56.

²⁴ <https://unsdg.un.org/latest/stories/violence-against-women-other-pandemic-impacting-honduras>.

²⁵ Decree No. PCM-05-2022.

²⁶ Decree No. 106-2016.

²⁷ *Ibid.*, art. 2. The Commission's rules of procedure can be consulted at: <https://www.tsc.gob.hn/bookcase/index.php/reglamentos/862-rules-of-procedure-de-la-comision-interinstitucional-de-seguimiento-a-las-investigaciones-de-las-muertes-violentas-de-mujeres-y-los-femicidios>.

formulating recommendations for the Government, ensuring the implementation of security policies and recommending campaigns to eradicate violence against women.²⁸ In 2022, the President of Honduras announced that the National Women's Institute would become a Ministry.²⁹

33. However, these positive legislative and institutional advances are undermined by other developments, such as the entry into force, in June 2020, of the new Criminal Code, which reduced the minimum sentence for femicide to 15 years.³⁰ The reduction in sentences is compounded by a low prosecution and conviction rate in femicide cases, as well as procedural flaws in investigations.³¹ During his visit, the Special Rapporteur noted with concern the persistently high rate of femicide and the impunity that prevails. He also noted that the number of investigations and prosecutions in femicide cases remains unsatisfactory owing to a combination of budget, human resource and technical constraints, limited coverage of rural areas and poor inter-institutional coordination.³²

34. The Special Rapporteur followed with concern the high-profile case of Keyla Patricia Martínez Rodríguez, who was detained by security forces on 6 February 2021 for allegedly violating the curfew imposed during the COVID-19 pandemic and placed in custody in Police Departmental Unit No. 10 in La Esperanza (Intibucá), where she died the same day. Witnesses stated that she had been assaulted while in custody while the police claimed that she had committed suicide – a claim that was dismissed by the Office of the Special Prosecutor for Offences against Life within the Public Prosecution Service after the autopsy identified signs of manual strangulation consistent with homicide. A police officer was subsequently charged but, despite irrefutable evidence of femicide, the officer was convicted of involuntary manslaughter and, in February 2024, was granted early release after paying a fine of less than \$400. The outcome of this case attests to the degree of sexist bias and tolerance of gender-based crime that still prevails within the criminal justice system despite the authorities' efforts to prevent it. In October 2023, the Inter-agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides urged the judiciary to correct the sentence but, to date, there had been no review.

2. LGBTIQ+ persons

35. Several Special Rapporteurs have expressed concern about unlawful killings of LGBTIQ+ persons,³³ the lack of investigation and the impunity enjoyed by perpetrators.³⁴ During his visit, the Special Rapporteur noted that this situation continues. In 2023, at least 47 LGBTIQ+ persons were killed (12 lesbian women, 17 gay men and 18 transgender persons) and one was a victim of enforced disappearance. Only 8 of these 47 cases were the subject of a criminal investigation and, to date, no charges have been brought.³⁵ According to the Office of the National Commissioner for Human Rights, almost 90 per cent of crimes against LGBTIQ+ persons go unpunished.³⁶

36. The dangers faced by LGBTIQ+ persons in Honduras were also recognized by the Inter-American Court of Human Rights in the case of Vicky Hernandez, a transgender woman and human rights activist who was a victim of extrajudicial killing in 2009. In November 2020, the Court ruled that the State of Honduras was responsible for her death and for the failure to investigate it, and ordered a series of reparatory measures, including the

²⁸ Decree No. 106-2016, art. 3.

²⁹ See <https://www.laprensa.hn/honduras/instituto-nacional-de-la-mujer-pasara-secretaria-estado-announcement-xiomara-castro-presidenta-XC6361213>.

³⁰ CEDAW/C/HND/CO/9, para. 24; and Decree No. 130-2017.

³¹ A/HRC/433/Add.2, para. 42; and A/HRC/WG.6/36/HND/3, para. 70.

³² A/HRC/WG.6/36/HND/3, para. 70.

³³ E/CN.4/2003/3/Add.2, para. 68.

³⁴ A/HRC/35/23/Add.1, paras. 44–47; and E/CN.4/2003/3/Add.2, para. 68.

³⁵ A/HRC/52/24, para. 83.

³⁶ See <https://www.conadeh.hn/defensora-del-pueblo-de-honduras-demanda-que-cesen-los-crimenes-of-hate-against-members-of-the-lgtbi-community/>.

formulation and implementation of a special protocol for investigating deaths of LGBTIQ+ persons.³⁷

37. The case of Thalía Rodríguez Rivera, a transgender woman and LGBTIQ+ activist murdered at her home in Tegucigalpa in 2022, apparently to end her activism, provides another illustration of the persistent failure to adequately investigate these homicides. In this case, the subsequent investigations were apparently plagued by irregularities. Following national and international protests, one person was arrested and charged with her murder and, at the time of writing, is awaiting sentencing. However, the irregularities in the investigation raise doubts about the charges brought in this case.

38. The Special Rapporteur is providing technical assistance and cooperating closely with OHCHR, national institutions and national and regional non-governmental organizations to develop a national protocol for the investigation and prosecution of violent deaths of LGBTIQ+ persons. The protocol would be the first of its kind and could serve as a model of good practice for other countries and regions.

3. Indigenous Peoples and persons of African descent

39. The Indigenous and Afro-Honduran population represents slightly more than 8 per cent of the country's total population.³⁸ The Lenca, Maya Ch'orti, Miskito, Pech, Tawahka and Xicaque Peoples are classified as Indigenous, while the Garifuna and Bay Island Creoles are Honduran ethnic groups of Afro-Caribbean origin.³⁹ Indigenous Peoples and Hondurans of African descent have historically faced structural barriers that have given rise to systematic discrimination.⁴⁰

40. The Special Rapporteur noted a lack of effective and timely investigation of the serious violations committed against members of both groups and their communities as well as a lack of protection measures that leaves these communities in a situation of increased vulnerability and exposed to a high risk of further abuse. Echoing the recent judgment of the Inter-American Court of Human Rights in *Garifuna Community of San Juan and its Members v. Honduras*, the Special Rapporteur notes with concern the threats and attacks that the community has suffered as a result of its struggle to prevent the misappropriation of its lands, including for tourism development projects, and the reported failures to adequately investigate such violations and provide protection for members of the community.⁴¹ On 28 January 2023, Ricardo Arnault Montero, a fisherman, Garifuna land rights activist and member of the Land Defence Committee, was killed in mysterious circumstances near his home in the community of Triunfo de la Cruz on the north coast. It was in this same location that four Garifuna leaders, including Alberth Sneider Centeno, the first young president of the community's governing board and a member of the Black Fraternal Organization of Honduras, disappeared from their homes after being arrested in July 2020 by unidentified men wearing National Police uniforms. There has been no news of them since.⁴²

41. In another example of such violations, in 2021 Erick Barú Rivera, a Miskito fisherman, was killed when a sizeable contingent of soldiers of the Armed Forces fired indiscriminately at members of his community, including women and children gathered peacefully on the beach.⁴³ The Special Rapporteur, as a forensic doctor, met with members of the community, examined their healed gunshot wounds and viewed photographs taken immediately after the attack of the injuries sustained by some of the children, all of which

³⁷ *Vicky Hernández et al vs. Honduras*, judgment of 26 March 2021. See also <https://www.oas.org/en/iachr/decisions/court/2019/13051FondoEn.pdf>.

³⁸ See <https://www.ine.gob.hn/images/Productos%20ine/censo/Tomo%20municipales%20pdf/12lapaz/168Cane.pdf>.

³⁹ See <https://www.refworld.org/reference/countryrep/mrgi/2008/en/65122>.

⁴⁰ CERD/C/HND/6-8, para. 6.

⁴¹ Judgment of 29 August 2023, para. 44.

⁴² See <https://oacnudh.hn/oacnudh-condena-la-desaparicion-forzada-de-alberth-sneider-centeno-presidente-del-patronato-de-la-comunidad-garifuna-de-el-triunfo-de-la-cruz-y-de-tres-personas-mas-pertenecientes-a-la-comunidad/>.

⁴³ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunication/File?gId=26836>.

were fully consistent with their testimonies. At the time of his visit, the authorities had not yet visited the community to investigate the attack, supposedly for security reasons and because they lacked the resources to travel to this remote location. No one has been held accountable for these violations.

42. In November 2022, Marcos Antonio Pineda, a member of the Lenca community of El Encinal, in La Paz department, was arbitrarily killed by members of the National Police while they were conducting an inspection in a village settlement. In October 2023, the local courts acquitted the only officer charged with the murder,⁴⁴ so ensuring total impunity for a homicide that, according to reports, was just part of the systematic and unpunished attacks suffered by the Lenca people.⁴⁵

43. An exception to this pattern of impunity is the case of Berta Cáceres, a Lenca Indigenous activist and environmentalist and the national coordinator of the Civic Council of Popular and Indigenous Organizations of Honduras, who was assassinated in 2016 because of her activism against a hydroelectric project planned on ancestral lands. Those responsible for planning, ordering and carrying out her murder were arrested, charged and found guilty, and were sentenced in June 2022.

44. The Special Rapporteur takes note of the public apology issued by the State in Puerto Lempira in March 2023, when it acknowledged its responsibility for the crimes committed against members of the Miskito community,⁴⁶ making an important first step towards ensuring accountability, truth and reconciliation.

4. Children and adolescents

45. Despite the adoption of Executive Decree No. 11-2013, establishing the National Policy for the Prevention of Violence against Children and Young Persons, designed to reduce the structural factors that render children, adolescents and young persons vulnerable to violence,⁴⁷ the risk of violent death remains very high. In 2023, there was an average of 60 deaths per month, which was 21 more than in the previous year.⁴⁸

46. Organized crime, including gang violence, is responsible for 36.6 per cent of all homicides. The Committee on the Rights of the Child expressed concern about the extensive recruitment of children by gangs and recommended, inter alia, that the State take all measures necessary to prevent the recruitment of children and protect them from violence.⁴⁹ The Special Rapporteur is particularly concerned about the lack of effective solutions to combat the root causes of violence against children, which include poverty, recruitment by gangs, social stigmatization and attacks, including arbitrary killings, by law enforcement officers that are often met with impunity for the perpetrators.

47. Brian Jafeth Hepburn, a 15-year-old teenager, was arbitrarily detained in 2020 by the National Police in San Pedro Sula. He was taken to a local police station, where, according to witnesses, he was tortured and then killed. His mother found his body, with signs of torture and a gunshot wound to the back of the head, lying in a local field later the same day. To date no one has been brought to justice for his murder.

⁴⁴ See <https://oacnudh.hn/28-de-octubre-de-2023-oacnudh-lamenta-el-fallo-en-el-caso-de-marcos-antonio-pineda-integrante-de-copinh-asesinado-el-23-11-2022-en-el-que-el-tribunal-de-sentencia-de-comayagua-absolvio-de-los-car/>.

⁴⁵ See <https://copinh.org/2023/10/comunicado-el-tribunal-de-sentencia-de-comayagua-ha-absuelto-de-los-cargos-de-manera-arbitraria-al-policia-jose-adan-perez-por-el-homicidio-del-joven-lenca-marcos-antonio-pineda/>.

⁴⁶ Inter-American Court of Human Rights, *Miskito Divers (Lemoth Morris et al.) v. Honduras*, judgment of 31 August 2021.

⁴⁷ See <https://conexihon.hn/2022/04/30/sin-avances-la-implementacion-de-la-politica-nacional-de-prevencion-de-la-violencia-hacia-la-ninez-y-juventud/>.

⁴⁸ See <https://redcoiprodén.org/honduras-registra-un-incremento-de-21-en-muertes-violentas-de-ninez-adolescencia-y-juventud/>.

⁴⁹ [CRC/C/HND/CO/4-5](https://www.crc.org/docs/default-source/press-releases/2018/crc-c-hnd-co-4-5.pdf).

48. The Special Rapporteur echoes the Human Rights Committee's call for the authorities to duly investigate all violent crimes, prosecute the perpetrators and enhance protection for children at risk of violence.⁵⁰

5. Activists and defenders of land, territory and environmental rights

49. In 2023, OHCHR recorded at least 17 killings. In 15 of these cases, the victims were human rights defenders, mainly defenders of land and environmental rights, while in 2 cases, the victims were journalists. During his visit to the Bajo Aguán region, the Special Rapporteur noted with grave concern the frequent conflicts related to access to land and natural resources, including threats, attacks and killings targeting campesinos, especially land rights and environmental activists and members of campesino cooperatives in the region.

50. Despite the urgent need for human and material resources to ensure prompt and reliable investigations, the Special Rapporteur learned of reductions in the number of prosecutors and expert personnel assigned to investigative units and a lack of basic resources for the medico-legal investigation of these serious crimes. He also noted with grave concern a lack of due diligence and serious conflicts of interest likely to result in negligence and procedural omissions in the investigation of some of the murders. On 14 October 2023, Kevin Meza, an 18-year-old campesino, was murdered in the municipality of Tocoa, in Colón department, during peaceful protests in defence of land rights. He is alleged to have been killed by members of the National Police who intervened to disperse the campesinos and later took over the investigation of his murder. Those responsible are still at large.

51. The Special Rapporteur welcomes the signature of the agreement between the Government, the Agrarian Platform and the Coordinating Committee of Community Organizations of Bajo Aguán in 2022. The agreement provided for the creation of a tripartite commission, which had already been established as at April 2024, to mediate in the conflict and prevent and investigate related human rights violations. However, he remains deeply concerned about the impunity that prevails in respect of the deaths of and attacks on defenders of land and territory that have continued to occur since the signature of the agreement. Security guards and agents of private security companies have allegedly been involved in these threats, attacks and killings.

52. These attacks are not limited to the Bajo Aguán region. Pablo Hernández Rivera, a local media worker and member of the Lenca Indigenous community who denounced local government corruption, was murdered in early 2022 in Tierra Colorada, in Lempira department, allegedly by order of the local authorities, due to his activism. Two persons from his community were arrested and charged with murder in June 2022 and are now awaiting sentencing. Mr. Hernández Rivera's family are reported to have suffered threats for having demanded accountability, including from those who ordered the murder.

53. The Special Rapporteur noted with grave concern that many of the victims of the recent attacks and killings were persons benefiting from precautionary measures under the National Protection System for Human Rights Defenders, Journalists, Social Communicators and Justice Operators. The State has a duty to protect the right to life and any breach of this obligation may in itself equate to a violation of the right.

B. Excessive use of force in the context of the fight against crime

54. The Special Rapporteur is particularly concerned about the state of emergency declared by Decree No. 29-2022 in a bid to combat extortion and related crimes that entered into force on 6 December 2022. Excessive and unscrutinized powers have been granted to the National Police and the Public Order Military Police, which bodies continue to carry out civil security tasks using military tactics and weapons, including making arrests and conducting searches without warrants, at a time when various fundamental rights and freedoms, such as the rights to personal liberty and freedom of association, assembly and movement, among others, have been suspended. The state of emergency has been extended nine times to date and has been expanded into all 18 departments. Several of these extensions

⁵⁰ CCPR/C/HND/CO/2, para. 19.

have been passed in Congress with only limited debate as to their effectiveness and the controls that might be relevant. On at least three occasions, the extensions have not been passed in their entirety, in violation of national regulations.

55. Multiple human rights violations have been reported, among them arbitrary and excessive use of force, including lethal force, and unlawful killings allegedly committed by the Police Directorate for Combating Gangs and Organized Crime and the Public Order Military Police. In 2023, OHCHR documented seven cases of enforced disappearances (of six men and one transgender woman), five extrajudicial killings (all of men), four cases of torture and ill-treatment (all against men) and one case of sexual violence (against a woman). It also recorded allegations of illegal detentions, excessive use of force, abuse during searches conducted without a warrant and planted evidence, particularly in the departments of Cortés, Francisco Morazán and Yoro.⁵¹

56. Wilson Ariel Pérez Hernández was killed in 2022 in San Pedro Sula by members of the former National Anti-Gang Task Force. The police stated that he was killed in a shooting while resisting an arrest warrant issued following an assault on a female police officer who was attempting to disperse a brawl at a football match. The victim had publicly announced that he would surrender to the police in exchange for guarantees of his safety. After his murder, evidence, including closed circuit television footage, emerged which showed that he had been severely beaten before being summarily executed. Four police officers were charged with the murder and were awaiting trial at the time of writing. However, they are likely to be released early. The family has received threats for having demanded justice.

57. The Special Rapporteur welcomes the publication of the National Police Manual on the Use of Force and Firearms.⁵² However, the guidelines contained in the Manual are not legally binding and a specific regulatory framework is required to ensure their effective application. The Special Rapporteur also welcomes the bill to regulate the use of force by law enforcement bodies and officers in Honduras, which is based on relevant international standards and is currently being considered by Congress. He calls for the bill to be adopted.

C. Deaths in custody

58. The National Prison System, which can accommodate 13,000 persons at maximum capacity, is currently housing around 19,500 adults (about 18,500 men and 1,500 women). Overcrowding is thus nearly 30 per cent above capacity, contributing to violence and deaths in custody. Owing to long delays in the administration of justice, around 45 per cent of those in prison are in pretrial detention. At the time of the visit, the judiciary was implementing a prison decongestion plan in an attempt to reduce overcrowding, for example by granting early release where appropriate and expediting trials. As a result, overcrowding had been reduced by 6 per cent compared to 2022.

59. Homicides, inter-gang violence and access to weapons among gang members⁵³ are long-standing problems in prisons that are aggravated by substandard infrastructure and lack of resources, including the resources needed to ensure inmates' health and safety. The accidental fire at the national prison in Comayagua in 2014, in which 361 inmates died, was the deadliest ever recorded in a prison. The high death toll was attributed to a combination of overcrowding, lack of adequate fire safety measures and poor prison management. In 2019, gang violence claimed the lives of 37 detainees across the country's prisons, leading the Government to impose a state of emergency and place prisons under military control until February 2022.⁵⁴

60. The Special Rapporteur noted that there was no unified computer system for registering and monitoring persons held within the prison system and no centralized system for recording information on deaths in custody, including the cause and manner of death and

⁵¹ A/HRC/52/24, para. 21.

⁵² Ministerial Agreement No. 1147-2023.

⁵³ See https://www.state.gov/wp-content/uploads/2023/02/415610_HONDURAS-2022-HUMAN-RIGHTS-REPORT.pdf.

⁵⁴ See <https://www.hrw.org/es/world-report/2021/country-chapters/honduras>.

the outcome of any investigations conducted. Such information is essential for the design of prison management policies that respect human rights and for the prevention of deaths in custody.

61. Honduran prison regulations require all deaths in custody to be investigated, irrespective of the apparent cause and circumstances. However, this important provision is undermined by the fact that investigations rarely comply with established international standards, including the Minnesota Protocol on the Investigation of Potentially Wrongful Death of 2016, not least because practising forensic doctors lack the specialist knowledge and training necessary for its effective implementation. The families of the deceased rarely have access to the results of investigations, which are not usually shared with the prison administration.

62. The Special Rapporteur welcomed the current Government's early efforts to demilitarize the national prison administration, improve prison management and reduce the persistently high level of violence in prisons, including deaths in custody. To lead these efforts, the Government established the National Prison System Intervention Commission, tasked with improving conditions of detention. Additionally, however, he noted with concern the persistent long-standing structural problems – in particular, severe overcrowding coupled with a level of human and material resources alarmingly insufficient to guarantee the safety of inmates and staff – and alerted the authorities to the fact that, without substantial improvements to staffing levels, infrastructure and prison security, the risk of prison violence would not be abated.

63. Shortly after the Special Rapporteur's visit, on 20 June 2023, a violent brawl between rival gangs erupted at the National Women's Prison for Social Adaptation in Támara, resulting in the death of 46 women. Inmates clashed using knives, arson and firearms, the latter belonging to the National Police. When the former head of the Intervention Commission requested an investigation into the origin of the weapons, she received death threats that forced her to flee the country for her own safety. The investigations into the events and the deaths are continuing.

64. As a result of these events, the Government declared a state of emergency in the National Prison System and issued Executive Decree No. 28/2023, re-establishing military control and thus leaving the promising reforms on hold. The Decree delegated to the Public Order Military Police, for one year, the powers to serve as Intervention Commission. The Government also announced plans to build a maximum-security prison on the Swan Islands, a group of remote Caribbean islands, to house gang leaders and prisoners considered violent. This situation raises serious concerns about the ability of the Armed Forces to manage prisons without the relevant training. Owing to this lack of training, a restrictive approach to security, as opposed to an approach respectful of the human rights of persons deprived of their liberty, is likely to be favoured and thus could fuel still more prison violence and, consequently, deaths.

VI. Duty to investigate and access to justice

65. A number of structural impediments continue to impede access to justice and accountability for past and present human rights violations. This situation is attributable, among other things, to the fact that investigations are to a great extent inadequate, to flaws in the administration and enforcement of justice, including unjustified procedural delays, to the limited extent to which victims are involved in criminal proceedings, and to the absence of an effective victim and witness protection system. The Special Rapporteur also noted that capacity for investigating violations of the right to life was limited and that such investigations were often neither prompt, effective, thorough, independent, impartial nor transparent, as required by international standards. He further noted a lack of cooperation from the Armed Forces and security forces when it came to sharing important information with the Public Prosecution Service and allowing access to military installations in the course of criminal investigations, especially investigations into crimes committed in the context of the 2009 coup and the 2017 post-election crisis, as well as a lack of coordination between the

offices of the specialized prosecutors assigned to such cases with a view to ensuring their more effective investigation. The Human Rights Secretariat has echoed these concerns.⁵⁵

66. The Directorate for Police Disciplinary Matters is responsible for investigating abuses committed by police officers in Honduras and the Inspectorate General of the Armed Forces and the Humanitarian Law Directorate are responsible for investigating abuses committed by military officers, while the Office of the National Commissioner for Human Rights process complaints of human rights violations and refers them to the Public Prosecution Service for investigation.⁵⁶ The fact that the same law enforcement body suspected of having carried out extrajudicial killings is responsible for the investigation of its own conduct raises serious doubts as to the independence and impartiality of the investigative process and its outcome, and is not compatible with international standards. The Special Rapporteur noted the creation, in 2023, of the Specialist Criminal Investigation Agency within the Public Prosecutor's Office,⁵⁷ which is independent from the National Police and is mandated to investigate serious crimes. However, the human and material resources allocated to this Agency are insufficient.

67. Another recurrent impediment is that the investigating authorities often refuse or otherwise obstruct the registration of victims' complaints. Additionally, human rights defenders are frequently criminalized while those who report unlawful killings, including relatives of victims, face threats and attacks. Junior Tomás Santos Pineda was arbitrarily detained in March 2023 by officers of the National Police and the Police Directorate for Combating Gangs and Organized Crime, who used violence to enter and raid his home on the pretext of the state of emergency, and, at the time of writing, his whereabouts are unknown. During the arrest, the police threatened his family and severely beat his brother Darwin Fabricio Santos. In June 2023, Tomás Santos Alejandro, the father of Junior Tomás, was shot and killed at his home by unidentified assailants. In July 2023, Darwin Fabricio Santos was arrested, charged with gang activity and imprisoned pending trial. Those responsible for the disappearance of Mr. Santos Pineda and the murder of his father remain at large.⁵⁸

68. The Special Rapporteur noted that victims had only limited access to free and effective legal services. Although article 16 of the Code of Criminal Procedure establishes that the Public Prosecution Service must provide legal assistance when required, the provision of such services is hampered by a lack of resources that creates an additional obstacle to victims' participation in criminal proceedings, as required by international standards.⁵⁹

69. The Special Rapporteur noted with great concern that the State, and particularly its criminal justice system, has failed to comply with decisions of the Inter-American Court of Human Rights that require the State to take the measures necessary to investigate, prosecute and, especially, punish those responsible for the commission of extrajudicial killings. The Public Prosecution Service has not yet implemented any of the protocols that the Court has called for, including, in particular, a protocol for investigating crimes committed against LGBTIQ+ persons, human rights defenders and victims of political violence in the electoral context, despite having received assistance for their formulation, including from OHCHR and from this mandate holder.

VII. Medico-legal and forensic investigation system

70. The Special Rapporteur noted with concern that medico-legal and forensic capacity and resources appeared to be insufficient to ensure the adequate and reliable investigation of crimes, including serious human rights violations such as unlawful killings. Specialists in

⁵⁵ See https://scm.oas.org/pdfs/2023/CIDH/IA2022_Cap_5_HO_ES.pdf, para. 59.

⁵⁶ See https://www.state.gov/wp-content/uploads/2023/02/415610_HONDURAS-2022-HUMAN-RIGHTS-REPORT.pdf; page 4.

⁵⁷ See <https://www.mp.hn/publicaciones/area/atic-agencia-tecnica-de-investigacion-criminal/>.

⁵⁸ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28651>.

⁵⁹ [A/HRC/45/13/Add.3](#), para. 61. See also the Minnesota Protocol on the Investigation of Potentially Wrongful Deaths, para. 25.

anthropology and forensic archaeology are lacking, and access to effective forensic investigation is very limited, if it exists at all, in the remote areas where many of these crimes are reported. The Special Rapporteur discovered that the Tocoa morgue, which is described as being “mobile”, was in fact immobile and lacked equipment, notably radiology equipment, essential to the reliable investigation of cases of violent death.

71. The fact that the General Directorate for Forensic Medicine is structurally dependent on the Public Prosecutor’s Office is incompatible with the impartiality and independence expected of medico-legal systems for investigating deaths under international standards. The Special Rapporteur welcomes the bill to create a decentralized national institute of forensic medicine and science separate from the current General Directorate of Forensic Medicine attached to the Public Prosecutor’s Office, which was submitted to Congress in March 2023. A “decentralized” institute would mean an autonomous, independent institute with its own legal personality and resources, and thus with greater capacity to conduct investigations with full impartiality and with the necessary State powers.⁶⁰

72. The Special Rapporteur acknowledges other legislative and institutional advances aimed at improving forensic investigations and reiterates the need to adopt specific measures to implement these laws. He particularly welcomes the adoption of the Act on the National DNA Database System, passed by Congress in August 2023,⁶¹ which will allow for the categorization and systematization of analyses of DNA profiles obtained from samples and evidence related to criminal investigations and of civil and humanitarian identifications made in the context of situations such as mass disasters, migration and human trafficking, among others.

VIII. Conclusions and recommendations

A. Conclusions

73. **The Special Rapporteur welcomes the fact that the authorities have made an express commitment to investigate and prevent unlawful killings, have acknowledged the problems existing in the area of human rights and have identified the measures needed to address them. Their stated political will must be translated into specific and measurable actions that allow for prompt, effective, thorough, independent and impartial investigations of all cases of unlawful killings, even in the absence of a complaint (i.e. ex officio), for full reparations to be granted to victims and their families and for all those responsible, including those who ordered, planned or agreed to violations of the right to life, to be brought to justice.**

74. **The Special Rapporteur recalls that the duty to combat impunity for unlawful killings is a State obligation, not an option. Bringing those responsible for unlawful killings to justice is also essential to preventing the recurrence of such violations and enforcing the victims’ right to reparations.**

75. **The Special Rapporteur welcomes the cooperation and technical assistance programmes established between the Government of Honduras and OHCHR, particularly the programmes intended to strengthen the rule of law and build capacity within the prison system.⁶² He encourages the State to extend this cooperation to encompass the effective investigation of unlawful killings and expansion of medico-legal and forensic capacity, including through international cooperation, in particular South-South cooperation. Such cooperation will be key to breaking the culture of violence and impunity.**

⁶⁰ A/HRC/50/34. See also <https://seguridad.gob.hn/subsecretaria-de-seguridad-busca-crear-instituto-nacional-de-medicina-legal-y-ciencias-forenses/>.

⁶¹ See <https://justiciaforense.org/2023/08/23/aprobada-ley-de-bases-de-datos-de-adn-en-honduras/>.

⁶² Human Rights Council resolution 54/30.

B. Recommendations

76. The Special Rapporteur recommends that the Government of Honduras carry out prompt, effective, thorough, independent, impartial and transparent investigations and, in particular, urges the State to:

(a) Ensure that all potentially unlawful deaths are investigated in a prompt, independent, impartial, effective, thorough and transparent manner, applying a gender perspective and in accordance with international standards, including, in particular, the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths;

(b) Adopt the bill to create a national institute of forensic medicine and science and allocate sufficient human and financial resources to ensure the institute's effective and autonomous operation;

(c) Prosecute all those responsible for carrying out or instigating unlawful killings and all senior officers in the chain of command responsible for such killings in order to end the situation of structural impunity;

(d) Operationalize the DNA databases that will serve as the basis for investigations into unlawful killings, including the reliable identification of the deceased, and ensure access to information for the victims' families; these databases should be consolidated across all investigative agencies and should allow for information cross-checking in all 18 departments of Honduras, while ensuring that personal data is protected;

(e) Ensure that victims and families have unrestricted access to complaint mechanisms and case files and are able to participate in investigative processes, including by adopting victim and witness protection systems to prevent reprisals;

(f) Ensure effective and transparent coordination between specialized prosecutors' offices and prevent police involvement in investigations into potentially unlawful deaths in order to ensure timely and thorough investigations.

77. With regard to the investigation of past human rights violations, including extrajudicial, summary and arbitrary executions, the Special Rapporteur recommends that the Government of Honduras:

(a) Implement all outstanding recommendations of the Truth and Reconciliation Commission, in particular by thoroughly investigating violations committed before and after the 2009 coup d'état, prosecuting those responsible, providing reparations to the families and adopting measures to ensure that the events are not repeated, in accordance with the judgments of the Inter-American Court of Human Rights;

(b) Facilitate effective search and recovery operations and the reliable forensic identification of victims of extrajudicial killings committed in the past, including while the national security doctrine was being applied in the 1980s and 1990s;

(c) Consider adopting, as a matter of priority, the draft law on victims of the national security doctrine and ensure that its provisions guarantee the investigation of serious human rights violations as well as reparations for the victims.

78. With regard to deaths in custody, the Special Rapporteur recommends that the Government:

(a) Ensure that all deaths in custody are investigated in accordance with the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths;

(b) Ensure that all medico-legal and forensic investigators responsible for investigating deaths in custody receive adequate training on the use of the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths, have the resources necessary for its effective implementation and communicate appropriately with the relevant prison authorities;

(c) Establish a unified, computerized central registry system containing disaggregated data on all persons deprived of liberty in the country and all deaths in custody nationwide, including an indication of the cause of death;

(d) Notify the families of persons who die in custody in a prompt and transparent manner;

(e) Ensure that prisons are managed by civilian forces and that prison security personnel receive adequate training on international standards related to deprivation of liberty, including the management of situations of violence and emergencies;

(f) Ensure that prisons are not controlled by gangs and that inmates do not have access to weapons, drugs and cell phones that could be used to commit crimes and endanger the lives of others inside and outside prison;

(g) Work to reduce overcrowding by adopting, among other measures, less punitive policies that prevent excessive use of pretrial detention.

79. With regard to the use of force, the Special Rapporteur recommends that the Government:

(a) Implement, as a matter of urgency, the National Police Manual on the Use of Force and Firearms (introduced by Agreement No. 1147-2023);

(b) Adopt the bill to regulate the use of force by law enforcement bodies and officers in Honduras and ensure that its provisions adhere fully to the fundamental principles of necessity, proportionality, legality, precaution and non-discrimination;

(c) Provide adequate financial and human resources, and also equipment, to law enforcement bodies in order to ensure compliance with human rights standards;

(d) Provide training on the aforementioned international standards to all agents mandated to use force, and establish administrative and criminal mechanisms to ensure accountability and appropriate penalties;

(e) Ensure that the military police are not involved in public security activities or activities that, in compliance with international standards, should be carried out by non-military personnel;

(f) Identify and address the structural causes of violence and insecurity and ensure that the declaration of a state of emergency and the suspension of rights is an exceptional measure subject to systematic review in full compliance with international human rights law and, in particular, the principles of necessity and proportionality.

80. With regard to femicides, the Special Rapporteur recommends that the Government:

(a) Adopt and implement, without delay, a specialized protocol for the prevention and investigation of gender-based killings of women and girls, in accordance with the standards established in the Latin American model protocol for the investigation of gender-based killings of women, and foster coordination between civil society and public institutions to ensure its effective implementation;

(b) Amend the Criminal Code to increase the penalties for femicide and make them proportionate to the seriousness of the crime, and ensure that cases of femicide are investigated by the Inter-agency Commission for Monitoring Investigations of Violent Deaths of Women and Femicides and that the perpetrators are prosecuted and punished appropriately;

(c) Train criminal justice system actors to address the personal and contextual factors that lead to femicide, which include deeply rooted misogynistic beliefs. The content of the training should be developed in collaboration with civil society actors and academia.

81. Regarding violent deaths of LGBTIQ+ persons, the Special Rapporteur recommends that the Government:

(a) Redouble efforts to prevent deaths resulting from violence based on gender or sexual orientation, in particular by ensuring that all such cases are investigated in accordance with international standards, and take steps to address the underlying discrimination and stereotyping apparent in such investigations;

(b) Move forward, in cooperation with OHCHR and civil society organizations, with the promotion, training and effective implementation of a protocol for the investigation and prosecution of violent deaths of LGBTIQ+ persons.

82. With respect to children and adolescents, the Special Rapporteur recommends that the Government:

(a) Adopt appropriate measures to protect the right to life of children and adolescents, especially in areas controlled by gangs and during arrests and raids, and establish rules for security forces and investigative agencies to ensure that the rights of children and adolescents are protected during homicide investigations;

(b) Investigate all violent and other serious crimes committed against children and adolescents promptly, thoroughly and impartially and prosecute and punish those responsible, at the same time ensuring that full reparations are provided to victims;

(c) Develop programmes to protect children and adolescents who refuse to join gangs, including by ensuring the effective implementation of and sufficient funding for the Comprehensive System for the Protection of the Rights of Children and Adolescents in Honduras.

83. With regard to the situation in the Bajo Aguán region, the Special Rapporteur recommends that the Government:

(a) Guarantee the effective investigation of all violent deaths occurring in the context of the Bajo Aguán conflict;

(b) Allocate adequate resources to investigative units, including forensic units, and ensure effective protection against reprisals and acts of intimidation for witnesses, victims and their families;

(c) Operationalize and ensure the effective functioning of the tripartite commission established to mediate in the agrarian conflict in Bajo Aguán with a view to finding lasting solutions, addressing structural challenges and guaranteeing reparation and measures of non-repetition.

84. With regard to human rights defenders, journalists, social communicators and justice operators, the Special Rapporteur recommends that the Government:

(a) Strengthen the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators in order to guarantee its effectiveness, adopt clear protocols for assessing risk situations and raise awareness of the mechanism, particularly at the local level;

(b) Call on investigative agencies to establish the pattern of human rights violations, particularly violations committed against the aforementioned groups, with a view to identifying the root causes of unlawful killings and developing a strategy to prevent their recurrence, including by bringing the perpetrators and instigators to justice;

(c) Adopt a comprehensive protection mechanism to protect the physical and psychological integrity and life of persons belonging to this group.

85. With regard to Indigenous Peoples and persons of African descent, the Special Rapporteur recommends that the Government:

(a) Protect the right to life of persons belonging to Indigenous and Afro-Honduran communities and ensure that a differentiated approach is applied in the investigation of all potentially unlawful deaths, threats and attempts on their lives, taking the context of historical discrimination into account and ensuring the availability of the human and financial resources necessary for this purpose.

86. With regard to the fight against impunity and corruption, the Special Rapporteur recommends that the Government:

(a) Continue to work with the United Nations to address the root causes of corruption and to combat corruption in all public institutions, including as a prerequisite for ensuring truth and justice for all victims of violations, including unlawful killings, and members of their families, and for restoring public trust in State institutions, including the criminal justice system;

(b) Commission an independent assessment of the work of investigative agencies, including the Public Prosecution Service and its specialized units, in order to identify the structural weaknesses that lead to inconclusive investigations, particularly in cases of potentially unlawful deaths, and adopt an accountability protocol designed to ensure that any person found responsible for obstructing access to justice, tampering with evidence or obstructing the prosecution of perpetrators is held accountable;

(c) Adopt a policy of zero tolerance for corrupt behaviour and abuse of power in all State institutions with a view to increasing accountability and eliminating real and perceived impunity.

87. The Special Rapporteur recommends that OHCHR expand its programmes of support for the National Prison System so as to ensure the reliable investigation and prevention of deaths in custody, including forensic investigations that conform to international standards, particularly the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths.

Exhibit 6

Honduras must address widespread impunity for crimes against women, girls – UN expert

 news.un.org/en/story/2014/07/472762

10 de julho de 2014

[UN News](#)

Global perspective Human stories

Participants in a workshop on domestic violence in Valle, Honduras. The workshop is intended to show the links between gender, poverty, abuse and disease.

An independent United Nations human rights expert has urged the Government of Honduras to address the culture of widespread impunity for crimes against women and girls, while also noting that incidents of violence against women appear to be on the rise in the Central American nation.

“In Honduras, violence against women is widespread and systematic and it impacts women and girls in numerous ways,” the UN Special Rapporteur on violence against women, Rashida Manjoo, said in a [statement](#) delivered on Monday following an eight-day mission to the country.

“The climate of fear, in both the public and private spheres, and the lack of accountability for violations of human rights of women, is the norm rather than the exception,” she added.

During her mission, which took her to Tegucigalpa, San Pedro Sula and La Ceiba, Ms. Manjoo noted “scores of concerns as regards the high levels of domestic violence, femicide and sexual violence.”

Noting that Honduras is currently in a state of transition, she welcomed current attempts “to build institutions; foster trust and confidence in the new Government set up in January 2014; and address the climate of widespread and systematic crime, corruption and impunity.”

In particular, she welcomed the legislative, policy and programmatic measures taken by the Government to fight violence against women, including the recent amendments to the Penal Code to incorporate femicide as a specific crime.

However, Ms. Manjoo noted that incidents of violence against women appear to be on the rise, with an increase of 263.4 per cent in the number of violent deaths of women between 2005 and 2013.

Regrettably, without accurate, reliable and uncontested data, it is impossible to grasp the magnitude of violence against women in Honduras and to develop appropriate policies and responses to address it, she said.

Trafficking in persons for sexual exploitation purposes is also underreported in Honduras, mainly due to the hidden nature of the crime and also the prevalence of organized crime.

The expert identified persisting and significant challenges in addressing violence against women, including the lack of effective implementation of legislation, gender discrimination in the justice system, inconsistencies in the interpretation and implementation of legislation, and the lack of access to services that promote safety and help prevent future acts of violence.

The lack of accountability for acts of violence against women and girls also remains a major obstacle, Ms. Manjoo said. It is reported that there is a 95 per cent impunity rate for sexual violence and femicide crimes.

She underlined that the State has a responsibility to hold accountable State authorities who fail to protect and prevent the violations of women's human rights, due to a lack of response or due to ineffective responses. "The best interests of all women and girls should guide the response of the Honduran Government," she stated.

"The importance of accountability as the norm for acts of violence against women cannot be over-emphasised, more especially within a context of generalised impunity for violence in the public and private spheres," said Ms. Manjoo.

"The lack of focus and effective measures to address women's empowerment needs is also a factor that contributes to continuing insecurity and fear, and precludes the possibility of eliminating all forms of violence against women and girls.


"I have noted with concern, the ineffective measures to address social transformation through activities that are not sustainable and that do not meet the goal of addressing myths and stereotypes about gender roles and responsibilities."

Independent experts or special rapporteurs are appointed by the UN [Human Rights Council](#) to examine and report back on a country situation or a specific human rights theme. The positions are honorary and the experts are not UN staff, nor are they paid for their work.

Ms. Manjoo's report on her mission will be presented to the Geneva-based Council in June 2015.

Exhibit 7

At least 4,050 women were victims of femicide in Latin America and the Caribbean In 2022: ECLAC

 caribbean.un.org/en/253787-least-4050-women-were-victims-femicide-latin-america-and-caribbean-2022-eclac

Story

23 November 2023

Femicidal violence can be prevented with comprehensive and forceful state responses, says says the United Nations regional organisation.

In 2022, at least 4,050 women were victims of femicide (also known as feminicide) in 26 countries and territories of Latin America and the Caribbean, according to the latest data that official agencies reported to the [Gender Equality Observatory for Latin America and the Caribbean](#) (GEO) of the Economic Commission for Latin America and the Caribbean (ECLAC). This is equivalent to one gender-related killing of a woman every two hours in the region.

“It is not possible to identify an upward or downward trend in the rates of femicide or feminicide in each country, since the variations are small and do not reflect an increase or decrease in the problem,” ECLAC explains in a [new report](#) on this issue. However, the United Nations regional organization stresses, it can be affirmed that femicide persists in the region, despite greater public awareness, legislative advances, progress in the measurement of cases and the state response.

Of the 19 countries and territories in Latin America that reported the number of femicides or gender-related killings of women in 2022, the highest rates were seen in Honduras (6.0 per 100,000 women), the Dominican Republic (2.9) and El Salvador and Uruguay (1.6). The lowest rates (meaning less than 1 victim per 100,000 women) were observed in Puerto Rico and Peru (0.9), Colombia (0.8), Costa Rica (0.7), Nicaragua (0.5), Chile (0.4) and Cuba (0.3).

In the Caribbean, 46 women were victims of lethal gender violence in the seven countries and territories that provided information corresponding to 2022. The highest number of cases by far was in Trinidad and Tobago (43).

“We will not get tired of saying this: Latin America and the Caribbean has a duty to prevent and eliminate all forms of violence against women and girls. It is unacceptable that more than 4,000 women and girls are murdered each year in our countries on the basis of gender,” José Manuel Salazar-Xirinachs, ECLAC’s Executive Secretary, said just before the [International Day for the Elimination of Violence against Women](#) , which is commemorated each year on November 25 and launches 16 days of activism through to December 10, which is International Human Rights Day.

In the context of his official visit to Chile, the United Nations Secretary-General, António Guterres, participated in one of the commemoration and awareness-raising activities that ECLAC and the UN System in the country carry out each year in the framework of the [UNiTE by 2030 to End Violence against Women campaign](#).

Launched in 2008, this initiative by the UN's highest authority calls on governments, civil society, women's organizations, young people, the private sector, media and the UN system to join forces to prevent and eliminate this true global pandemic. The theme this year is "UNITE! Invest to prevent violence against women and girls."

Femicide is simply the most extreme expression of inequality, discrimination and the multiple forms of violence against women and girls, ECLAC reiterates. For example, according to specialized national surveys from 10 countries in the region, between 42% and 79% of women (around 2 out of every 3) have been victims of gender violence in different areas of their lives. In addition, on average, 1 in 3 women has been or currently is a victim of physical and/or sexual violence perpetrated by someone who was, or is, their partner, which entails the risk of lethal violence, according to the World Health Organization (WHO). This corresponds to 88 million women over 15 years of age in Latin America and the Caribbean. At the same time, early and forced child marriages and unions are a harmful practice and a manifestation of gender violence that persists and is widespread in the region, affecting 1 in 5 girls.

"Femicidal violence can be prevented with comprehensive and forceful state responses. Profound transformations are urgently needed to ensure that the women and girls of our region can live violence-free lives," José Manuel Salazar-Xirinachs underscored.

More than 70% of the femicide victims in 2022 were between 15 and 44 years of age, according to the information provided by eight Latin American countries. However, 4% of them were under 15 and 8% were aged 60 or older.

In seven countries that reported to ECLAC, at least 400 children, adolescents and other dependents lost their mother or caregiver due to femicide in 2022. On this topic, it is important to note that only eight Latin American countries have created concrete reparation measures to support the dependents of femicide victims, which constitute a fundamental response in building a comprehensive approach.

To prevent femicidal violence, it is also necessary to strengthen data on the existence of prior complaints of violence or precautionary measures (such as restraining orders) that would allow for assessing risks and taking timely action, and thereby averting gender-related killings.

States in the region must increase budget allocations and invest to bolster policies against gender violence with new strategies for responding to the various manifestations of violence such as, for example, gender violence in digital media, ECLAC warns.

In the [Buenos Aires Commitment](#) – which was approved in 2022 and proposes a path for moving towards a care society – the region’s countries agreed to “promote the adoption and implementation of laws, policies, comprehensive and multisectoral action plans and educational awareness-raising programs to prevent, address, punish and eliminate all forms of gender-based violence and discrimination against women, adolescent girls and girls in all their diversity, in different areas and manifestations, including harmful practices such as female genital mutilation, child marriage and early unions.”

Moving towards a care society requires transforming patriarchal, discriminatory and violent cultural patterns, ECLAC emphasizes.

In sum, the Commission urges the region’s governments to redouble their efforts aimed at improving record-keeping and information systems; to increase budget resources for public policies that respond comprehensively to victims and survivors; and to invest in effective prevention, strengthening risk assessment and effective protection and reparation measures for victims, and their access to medical, psychosocial, legal assistance and other services, as well as to educational, economic and employment opportunities.

Finally, the Commission clarifies that current information on femicide victims does not enable the construction of a comparable time series for the region’s countries. Several countries have improved their femicide records through legal reforms, which has entailed methodological adjustments that prevent a strict comparison.



ECLAC Caribbean

Exhibit 8

Analysis of violence against women and girls in Honduras | 2022

 undp.org/es/honduras/noticias/analisis-de-violencia-contra-las-mujeres-y-las-ninas-en-honduras-2022

In Honduras, women are affected by a spiral of crimes that threaten their safety and lives. This can be exacerbated by crisis situations.

In 2022, reports of domestic violence decreased by 28.8% (6,907 reports) compared to 2021. 47% of women reported being victims of psychological violence, followed by physical violence at 35%. Women between the ages of 18 and 30 are the most frequent victims of domestic violence. Approximately 8 out of 10 reports of sexual offenses in 2022 were filed by women. 66% (1,806 victims) were under 18 years of age, with the 13-17 age group accounting for the majority of reports at 40% (1,093 victims).

Violent deaths of women continue to decline. In 2022, 306 violent deaths of women and femicides were reported, representing a 7.3% decrease (24 fewer victims) compared to 2021. It is worth noting that 6 out of every 100,000 women died. Young women are the primary target of violent deaths in Honduras; 37% (112 victims) of all violent deaths were among women aged 18 to 30. 44% (134 victims) of these deaths were related to domestic violence.

In 2022, 6 out of 10 violent deaths of women occurred in urban areas, with 60% of violent deaths concentrated in 20 municipalities, with the Central District and San Pedro Sula being the most violent municipalities in the country against women.

Over the past decade, an average of 305 women have disappeared each year. In 2022, 357 disappearances of women were recorded, with girls under 18 being the most affected, representing 37%.

On average, between 2014 and 2022, 11,422 women returned to Honduras. In 2022, there was a 33% increase (4,803 more women returning) compared to 2021, making it the second year with the most returns during that period. 68% of these women were over 18 years old.

The preliminary data to date (as well as the 2022 Analysis of Violence Against Women and Girls in Honduras) are available on the [Open Data Portal for Citizen Security](#). This data is updated based on verification by the responsible institutional bodies and the fieldwork of technicians from the Interinstitutional Coordination Technical Unit (UTECI) of the Undersecretariat for Security and Police Affairs of the Ministry of Security in Honduras.

Analysis of Violence against Women and Girls in Honduras

This analysis, carried out with the support of the United Nations Development Programme (UNDP) and the United States Agency for International Development (USAID) within the framework of the *Infosegura Regional Project*, is the product of the strategic articulation between the Undersecretariat of Security in Police Affairs of the Ministry of Security in Honduras and the national institutions that produce information on citizen security issues¹; it makes visible and recognizes the situation of violence against women and girls in Honduras based on the evidence collected and aims to strengthen capacities for the development of public policies with a gender focus and with an important prevention component based on official country evidence, of quality, consensual and transparent.

At UNDP, we strive to promote comprehensive approaches to eradicate violence and guarantee the rights of women and girls, helping them to be free from violence, which is a basic condition for advancing towards gender equality and sustainable development.

¹ **Source:** *Technical Committee on Crime: Public Prosecutor's Office. Interinstitutional Coordination Technical Unit (UTECI), Undersecretariat of Security in Police Affairs. Technical Committee on Violent Deaths: National Police, Public Prosecutor's Office/Directorate of Forensic Medicine. National Registry of Persons. Observatories of Coexistence and Citizen Security. National Institute of Statistics. ONV-IUDPAS/UNAH. Interinstitutional Coordination Technical Unit (UTECI), Secretariat of Security. Data from the National Institute of Statistics (INE), National Demographic and Health Survey "ENDESA", 2019. Secretariat of Social Development, Social Development Observatory/SIAMIR. Secretariat of Health.*

Exhibit 9

Northern Central America

Impact of Organized Crime on Women and Girls



OEA/Ser.L/V/II.
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February 17, 2023
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Northern Central America

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Chapter 4

Violence against women and girls linked with the presence and activities of criminal groups

Violence against women and girls linked with the presence and activities of criminal groups

87. In territories and areas dominated by gangs and criminal bands, daily life in communities is controlled by these groups through various forms of social violence. Violence is one of the main strategies employed by these groups, not simply to impose territorial domination but to legitimize male power, establish a hierarchy, and oversee the entry of members, command their respect, and exert control over them²⁵⁶. In this regard, while violence as a control mechanism is committed against both women and men, gender violence in particular is one way of exerting control over women and girls, who are subjected to forms of violence that specifically target them²⁵⁷.
88. In addition, the IACHR notes that gender violence against women and girls is a way for criminal groups to control entire communities, using women's bodies as an opportunity for violent domination to send the rest of the community a message about power, control, and submission, and as a display of power among peers in the criminal group²⁵⁸. Thus, violence against women is a key tool in the behavior of many criminal groups and the perpetuation of their illicit activities²⁵⁹ that heightens the risk and vulnerability of women and girls in areas where these groups operate. The Commission notes in particular that women in these contexts are subject to various forms of gender violence, including sexual violence; forced marriages or unions; gender-based killings; disappearances; torture; slaverylike conditions, including criminal exploitation; forced labor; sexual servitude; and human trafficking.

²⁵⁶ Interpeace. *Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region*. April 2012

²⁵⁷ Internal Displacement Monitoring Centre (IDMC); Cristosal; Refugee Law Initiative - School of Advanced Study University of London. *A Web of Violence: Crime, corruption and displacement in Honduras*. Thematic study. March 2019, pg. 25

²⁵⁸ CDM. *Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras*. October 2020. IACHR archive; Internal Displacement Monitoring Centre (IDMC); Cristosal; Refugee Law Initiative - School of Advanced Study University of London. *A Web of Violence: Crime, corruption and displacement in Honduras*. Thematic study. March 2019, pg. 26; CNN. *Pandillas usan cuerpos de mujeres para "venganza y control" en El Salvador*. June 15, 2018; Sampó, Carolina. *El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen*. *Si Somos Americanos*, Vol. 16, No. 2. 2016, pp. 127-142; Interpeace. *Violent Women and Violence Against Women. Gender Relations in the Maras and other street gangs of Central America's Northern Triangle Region*. April 2012.

²⁵⁹ IACHR. *Violence and Discrimination against Women and Girls*. OEA/Ser.LV/II. Doc. 233. November 14, 2019, paras. 191-193.

A. Sexual violence as a way of joining the group

89. The available information reveals that joining a gang is generally a lengthy process in which both men and women must carry out the group's orders²⁶⁰. Here, it is noted that while not all women and girls are forced to join pandillas or maras, in every case, joining entails violence²⁶¹. Within this context, three ways of joining a gang stand out: the first, commit a murder, as instructed by the group or its leader; the second, submit to a beating by the other members of the group; and third, have sex with several members or every member of the group²⁶². The last way, sexual violence, is largely reserved for women and girls²⁶³.
90. According to accounts obtained by civil society organizations and people researching this topic, how women join the group determines their role, respect, and security in the gang²⁶⁴. Those who submit to the same initiation test as men, such as a beating, will receive the same respect as men in the gang structure, since they are considered courageous and strong – attributes considered positive and associated with virility and masculinity. In contrast, women who join by submitting to sexual violence are considered weaker members of the criminal organization and therefore run a greater risk of losing the group's protection and being constantly revictimized²⁶⁵.
91. The Commission also observes that while some women can choose how to join the group, not all can do so, and in many cases, end up as rape victims²⁶⁶. In this regard, the existing accounts reveal that women are not in a position to consent to the sex acts they are

²⁶⁰ Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region](#). April 2012.

²⁶¹ El PACCTO. [Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho](#). August 2020.

²⁶² International Crisis Group. [Mafia of the Poor: Gang Violence and Extortion in Central America](#). Report No. 62 – Latin America & Caribbean, April 6, 2017; Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region](#). April 2012.

²⁶³ Sampó, Carolina. [El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen](#). Si Somos Americanos, Vol. 16, No. 2. 2016, pp. 127-142; Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region](#). April 2012.

²⁶⁴ Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region](#). April 2012.

²⁶⁵ Tager Rosado, Ana Glenda and Argueta, Otto. [Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras](#). 2019; Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region](#). April 2012.

²⁶⁶ Pacific Standard. [The Girl Gangs of El Salvador](#). September 15, 2018.

subjected to or to the individuals with whom they will have sex²⁶⁷. This practice, moreover, is characterized by acts of violence designed to subdue and humiliate the women²⁶⁸. In this method of joining the group, sexual violence is a way to impose male dominance over women in a context of threats and intimidation.

92. In this regard, the Commission recalls that the Inter-American Court has recognized rape as a form of sexual violence²⁶⁹ and a traumatic experience with severe consequences for women. Rape causes significant physical and psychological damage, leaving the victim physically and emotionally humiliated – a situation hard to overcome with the passage of time, unlike other traumatic experiences. From this it follows that rape inherently causes the victim extreme suffering. In this regard, the Inter-American Court has stated that women rape victims experience severe psychological and social harm²⁷⁰. It has also noted that, as in the case of torture, rape generally has other objectives, including intimidating, degrading, humiliating, punishing, or controlling the person who experiences it²⁷¹. Furthermore, sexual abuse is a type of crime that victims tend not to report because of the stigma attached to it²⁷² and is a paradigmatic form of violence against women, the consequences of which even transcend the personhood of the victim²⁷³.

B. Forced unions

93. While some women voluntarily agree to romantic relationships with gang members, in many cases the gang members harass and bully women, even girls, into becoming their

²⁶⁷ Tager Rosado, Ana Glenda and Argueta, Otto. [Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras](#). 2019.

²⁶⁸ Sampó, Carolina. [El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen](#). Si Somos Americanos, Vol. 16, No 2. 2016, pp. 127-142; Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region](#). April 2012.

²⁶⁹ IACtHR. [Case of J v. Peru. Preliminary objection, merits, reparations and costs](#). Judgment of November 27, 2013. Series C No. 275, para. 359.

²⁷⁰ IACtHR. [Case of Espinoza Gonzáles v. Peru. Preliminary objections, merits, reparations and costs](#). Judgment of November 20, 2014. Series C No. 289, para. 193.

²⁷¹ IACtHR. [Case of Fernández Ortega et al. v. Mexico. Preliminary Objections, Merits, Reparations, and Costs](#) Judgment of August 30, 2010. Series C No. 215, para. 127.

²⁷² IACtHR. [Case of Espinoza Gonzáles v. Peru. Preliminary objections, merits, reparations and costs](#). Judgment of November 20, 2014. Series C 289, para. 150.

²⁷³ IACtHR. [Case of Fernández Ortega et al. v. Mexico. Preliminary Objections, Merits, Reparations, and Costs](#) Judgment of August 30, 2010. Series C No. 215, para. 119; IACtHR. [Case of Rosendo Cantú et al. v. Mexico. Preliminary Objections, Merits, Reparations and Costs](#). Judgment of August 31, 2010. Series C No. 216, para. 109.

sexual partners²⁷⁴. Here, the Commission observes with concern that in both cases, women and girls are at serious risk of becoming victims of multiple forms of gender violence.

94. In the gang world, women are considered the property of their sexual partners and, by extension, the gang, putting them in a situation of extreme control, submission, and the particular risk of different forms of gender violence, not only by their partner but by all the other members of the group²⁷⁵. Furthermore, based on the stereotype of women's supposed weakness and unreliability, the men of the group tend to consider them disloyal to both their partners and the group²⁷⁶, causing the rules governing loyalty and obedience in gang culture, while applicable to all members, to include mechanisms for controlling and surveilling women, even when their partners are in jail, as well as periods of home confinement, "fidelity tests," forced pregnancies, sexual violence, and violent killings²⁷⁷. Furthermore, according to the information obtained, as the partners of gang members, women and girls live with the threat that should their partner be killed, they might be as well²⁷⁸.
95. The IACHR is also aware that these women have no choice and cannot make decisions that go against the wishes of their male partners. Under the group's code, this would mean challenging male authority, which for women, is punishable by sexual violence and generally death²⁷⁹. The Commission observes, in particular, that women and girls have no escape from these violent relationships. Thus, many of them are forced to live with their

²⁷⁴ EISalvador.com. [El infierno que viven las niñas esclavas sexuales de la pandilla MS en El Salvador](#). June 26, 2018.

²⁷⁵ Spotlight Initiative – Regional Programme for Latin America – UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana](#). 2021, pg. 36; Tager Rosado, Ana Glenda and Argueta, Otto. [Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras](#). 2019.

²⁷⁶ BBC Mundo. ["Piensan que somos más débiles, pero matar, matamos igual": el peligroso doble papel de las mujeres en las pandillas de Centroamérica](#). December 12, 2017; Boerman, Thomas and Knapp, Jennifer. [Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala](#). Immigration Briefings, 17-03. March 2017.

²⁷⁷ American Institutes for Research & Florida International University. [A Study of Gang Disengagement in Guatemala](#). 2020, pg. 44; Boerman, Thomas and Knapp, Jennifer. [Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala](#). Immigration Briefings, 17-03. March 2017; Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region](#). April 2012.

²⁷⁸ Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region](#). April 2012; El país. [Ellas ven oyen y callan](#). August 26, 2015.

²⁷⁹ Boerman, Thomas and Knapp, Jennifer. [Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala](#). Immigration Briefings, 17-03. March 2017; RT. [Escapar de la violencia hacia más violencia: cómo es la vida de las mujeres en las maras](#). December 7, 2015.

assailants, exposed to constant abuse by them or the other members of the gang, and even to being killed²⁸⁰.

96. Especially troubling is the situation of young and adolescent girls, who are forced to become sexually involved with gang members from around the age of 12 onward.²⁸¹ In her visit to El Salvador, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, stated that gangs were responsible for forced disappearances, forced recruitment of children, and the subjugation of women, which included “forcing young women and girls to become gang members’ sexual partners”²⁸². Thus, in gang-controlled neighborhoods, girls receive clear messages that both they and their bodies “belong” to the gang and its members, who control and commit violence against them with impunity, making them unable to refuse due to death threats against them and their families²⁸³. Furthermore, the control exerted over their bodies extends to their reproductive processes, such as pregnancy and forced abortion²⁸⁴.
97. The Inter-American Court has held that the complete autonomy of the individual to choose with whom he or she wishes to enter into a permanent marital relationship, whether it be a natural one (*de facto* union) or a formal one (marriage), derives directly from the principle of human dignity²⁸⁵. In this same vein, authorities of the universal system for the protection of human rights have held that a marriage or *de facto* union is understood as forced when it is lacking the full and valid consent of at least one of the parties, or one of them is unable to end the union due, among other things, to coercion or intense social or family pressure²⁸⁶; “in its most extreme form (...) forced marriage can involve threatening behavior, abduction,

²⁸⁰ Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region](#). April 2012.

²⁸¹ Committee on the Rights of the Child. [Concluding observations on the combined fifth and sixth periodic reports of El Salvador](#) . CRC/CSLV/CO/5-6, November 29, 2018, para. 27.

²⁸² UN: Human Rights Council. [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to El Salvador](#). HRC/33/46/Add.1. August 3, 2016.

²⁸³ The Atlantic. [El Salvador's Gangs Are Targeting Young Girls](#). March 4, 2018.

²⁸⁴ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 195.

²⁸⁵ IACtHR. [Gender Identity, and Equality and Non-discrimination of Same-Sex Couples \(Interpretation and Scope of Articles 1\(1\), 3,7, 11\(2\), 13, 18 and 24 in relation to Article 1 of the American Convention on Human Rights\)](#). Advisory Opinion OC24/17 of November 24, 2017, para. 225.

²⁸⁶ UN: Human Rights Council. [Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#). A/HRC/31/57. January 5, 2016, para. 63; UN: General Assembly. [Report of the Secretary-General. In-depth study on all forms of violence against women](#) A/61/122/Add. 1. July 6, 2006, para. 122.

imprisonment, physical violence, rape, and in some cases, murder²⁸⁷.” Thus, forced marriage has been understood as a little-documented form of violence against women²⁸⁸.

98. It is likewise understood that there is a lack of “full and valid” consent when one of the contracting parties is not mature enough to make an informed decision about their partner²⁸⁹. In this regard, the IACHR has maintained that de facto child marriages or unions²⁹⁰ are an expression of forced marriage, since one of the partners is not mature enough to select their partner on the basis of full free and informed consent and there is a clearly unequal power relationship between spouses²⁹¹. Furthermore, this practice, which is considered to be grounded in discrimination by reason of sex, gender, and age, constitutes a violation of the human rights of girls and has a significant impact on their lives by reducing their opportunities for personal, educational, and professional development, and on their ability to make important decisions about their lives, including their economic independence. It reproduces cycles of poverty and women’s exclusion and puts them at greater risk of gender-based exploitation, abuse, and violence, especially sexual violence, and in some cases homicide²⁹². This is exacerbated by the child and adolescent pregnancy that usually results from forced de facto marriages or unions. UNICEF has declared that when children and adolescents are victims of this practice, it is a form of sexual abuse and exploitation²⁹³.

C. Gender-based killings of women and girls (femicides/femicinidas)

99. While accurate information on the link between violent deaths of women and the criminal groups operating in El Salvador, Honduras and Guatemala is not always available, the

²⁸⁷ UN: General Assembly. Report of the Secretary-General. [In-depth study on all forms of violence against women](#). A/61/122/Add. 1. July 6, 2006, para. 122.

²⁸⁸ UN: General Assembly. Report of the Secretary-General. [In-depth study on all forms of violence against women](#). A/61/122/Add. 1. July 6, 2006, paras. 111 and 122.

²⁸⁹ UNICEF. [Hojas informativas sobre la protección de la infancia: Matrimonio infantil](#). 2006, pg. 18.

²⁹⁰ De facto early or premature unions have been regarded as an informal form of child marriage in that they follow informal patterns of family ties. See: Girls Not Brides. [The global partnership to end child marriage: Matrimonio Infantil en América Latina y el Caribe](#). 2017.

²⁹¹ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233, November 14, 2019, para. 215. Similarly: CEDAW Committee and Committee on the Rights of the Child. [Joint general recommendation No. 32 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices](#). CEDAW/C/GC/31/CRC/C/GC/18. November 14, 2014, para. 20.

²⁹² IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, paras. 216 and 222; Similarly: UN: General Assembly. Report of the Secretary-General. [In-depth study on all forms of violence against women A/61/122/Add. 1](#). July 6, 2006, para. 122.

²⁹³ UNICEF. [Hojas informativas sobre la protección de la infancia: Matrimonio infantil](#). 2006, pg. 18.

information obtained suggests that numerous cases of femicides/feminicides are connected in various ways with the dynamics of these criminal groups²⁹⁴. In this regard, the past decade has witnessed an increase in particularly vicious killings of women that may be connected with the growing activities of organized crime networks in the illegal businesses of drug and arms trafficking, trafficking in women and migrants, etc.²⁹⁵

100. The IACHR notes that the criteria for classifying women's killings as feminicides/femicides²⁹⁶ – garnered in different ways from the legislation/regulations of each country – are deficient in that additional information is required that is not collected for all violent death record systems – e.g., the misogynistic nature of the murder or the relationship between victim and perpetrator. Thus, classifying certain murders of women as femicides or feminicides is a challenge²⁹⁷. The challenge is even greater in the case of violent killings of women connected with organized crime²⁹⁸. Here, the IACHR has observed that many of these cases are not duly investigated in terms of determining the identity of the perpetrators and the motive for the crime, though many appear to be associated with organized crime²⁹⁹. Similarly, UNDP notes that:

Up to now, the collateral issue of organized crime has not been explored; many of these femicides are invisible, as they are viewed as homicides. There are no detailed studies on the motive for femicide. There is a need to review homicide data and

²⁹⁴ Fundación de Estudios para la Aplicación del Derecho – FESPAD. *La Desaparición de Personas y el Contexto de la Violencia Actual en El Salvador: Una Aproximación Inicial*. April 2021, pg. 55. Information obtained during the virtual consultation with experts held June 16-17, 2021 during the preparation of this report. IACHR archive. See: Ministry of Justice and Public Security. *Informe Anual: Hechos de Violencia contra las Mujeres 2018, 2019*, pg. 17; Revista Factum. *Así viven y mueren las mujeres pandilleras en El Salvador*. March 11, 2016.

²⁹⁵ CDM. *Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras*. October 2020. IACHR archive.; La Prensa Gráfica. *Un cadáver dentro de una bolsa, un feminicidio y un asesinato por arma de fuego reportados durante este miércoles*. December 22, 2021; Voice of America. *UNHCR identifica la violencia de género como un motor de la migración desde el Triángulo Norte*, December 6, 2021; Tager Rosado, Ana Glenda and Argueta, Otto. *Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras*. 2019.

²⁹⁶ The MESECVI Committee of Experts has defined femicide/feminicide as “the violent killing of women because of gender, whether it occurs within the family, domestic unit, or any interpersonal relationship, within the community, by any individual, or when committed or tolerated by the State or its agents, either by act or omission.” See: MESECVI. *Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-related Killing of Women and Girls (Femicide/Feminicide)*, 2018.

²⁹⁷ IACHR. *Violence and Discrimination against Women and Girls*. OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 154 onward; InfoSegura, *América Latina enfrenta el reto de medición del femicidio*. March 28, 2019.

²⁹⁸ Spotlight Initiative – Regional Programme for Latin America – UNDP. *La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana*. 2021, pg. 36; CDM. *Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras*. October 2020. IACHR archive.

²⁹⁹ IACHR. *Violence, Children and Organized Crime*. OEA/Ser.LV/II.Doc. 40/15. November 11, 2015, para. 242.

*distinguish between homicide and femicide related to organized crime. There are no studies of this type. Clear criteria are lacking*³⁰⁰.

101. Furthermore, according to the information obtained, half the killings of women in Central America's Northern Triangle are recorded as "motive unknown," a figure as high as 85% in El Salvador³⁰¹. These cases are deaths with insufficient information about the context, circumstances, or motives for the killings and in which there is a deliberate attempt to leave behind no clues or trace of them, a characteristic of some femicides connected with organized crime³⁰². Furthermore, in women's killings with a "known motive," which includes gangs/criminals, robbery, drugs/territorial disputes/extortion, and police shootings, some of them may be connected with organized crime, though it is impossible to know what percentage has been classified as femicide/feminicide and whether the investigations link them directly with organized crime³⁰³.
102. In the case of Honduras, civil society studies note the absence of adequate information and the difficulty of relating women's killings to individuals involved in organized crime and gangs³⁰⁴. For example, according to data from the Violence Observatory of *Instituto Universitario en Democracia, Paz y Seguridad (IUDPAS)*, in 2019 it was reported that 9.1% of femicides were gangrelated and 11.7% were the result of narcotrafficking. However, if the deaths linked with contract killings are added, the percentage soars to 56.5%³⁰⁵. Moreover, according to information received for the preparation of this report, at least one third of all femicides characterized as such by IUDPAS occurred in the context of organized crime – a percentage that may even be higher if the 24% of femicides classified as "undetermined," many of which may be related to these contexts, are included³⁰⁶. It has also been noted

³⁰⁰ Spotlight Initiative – Regional Programme for Latin America – UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana.](#) 2021, pg. 31.

³⁰¹ Spotlight Initiative – Regional Programme for Latin America – UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana.](#) 2021, pg. 30.

³⁰² Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; CDM. [Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras.](#) October 2020. IACHR archive.

³⁰³ Spotlight Initiative – Regional Programme for Latin America – UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana.](#) 2021, pg. 30

³⁰⁴ Tager Rosado, Ana Glenda and Argueta, Otto. [Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras.](#) 2019, pg. 31.

³⁰⁵ Observatorio Nacional de la Violencia. [Resultados del análisis enero-diciembre 2019.](#) October 5, 2021.

³⁰⁶ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; CDM. [Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras.](#) October 2020. IACHR archive.

that personnel involved in the administration of justice have differing opinions on the percentage of femicides connected with organized crime, since, on the one hand, staff from prosecutor's offices believe that the figure is lower than IUDPAS statistics indicate, while staff from the Medical Examiner's office believe that the percentage is even higher, perhaps as high as 80% of all femicides³⁰⁷. At the same time, the information provided by the State indicates that the majority of women's murders up to the third quarter of 2021 and 2022 were attributable to criminality due to social conflict rather than organized crime, narcoactivity, and gangs³⁰⁸.

103. In many cases, the killings show signs of being committed with extreme cruelty and are attributable to perpetrators who do not always have intimate, family, or close ties with the victim. According to the information obtained, women's murders linked with the activities of organized crime differ from others in that they are more violent than other femicides and far more violent than the killings of men, inflicting great pain with the explicit intention of sending a message or warning to a rival group³⁰⁹. Women's dismembered bodies are usually stuffed into bags or wrapped in sheets, with evidence of torture, multiple fractures, or written messages. Furthermore, while the killings are not always preceded by rape, in most cases, the bodies are found semi-nude and often dismembered, burned, or with mutilation of their breasts or genitalia³¹⁰. As a prosecutor in El Salvador stated in an interview with UNDP:

In the gang world, men and women who violate an established rule in organized crime or gangs are not killed in the same way. A person whose job is extortion or collecting protection money from the population and keeps it, whether a man or a woman, will probably be punished with death. But how different will it be? The man will be killed directly; the woman, in contrast, will be sexually assaulted and her body put on display with her genitals exposed so that all society can see it, because that is the highest

³⁰⁷ CDM. Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras. October 2020. IACHR archive.

³⁰⁸ Procuraduría General de la República. Observaciones fácticas y comentarios del Estado de Honduras al proyecto de informe de la CIDH sobre el impacto del crimen organizado en las mujeres, niñas y adolescentes en los países del Norte de Centroamérica, November 14, 2022, paras. 6 and 13. IACHR archive. Citing UNDP. [Boletín Análisis sobre la situación de la violencia y seguridad ciudadana al 3er trimestre \(enero-septiembre 2022\)](#), October 2022

³⁰⁹ USAID, UNDP, InfoSegura. [La Cara Escondida de la Inseguridad: Violencia contra mujeres de Centroamérica y República Dominicana](#). 2020, pg. 245.

³¹⁰ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; CDM. Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras. October 2020. IACHR Archive; BBC Mundo. ["Piensan que somos más débiles, pero matar, matamos igual": el peligroso doble papel de las mujeres en las pandillas de Centroamérica](#). December 12, 2017.

*expression of the objectification of the body and contempt for women's bodies. It reaffirms male dominion over all that is feminine*³¹¹

104. Furthermore, the Commission notes that with the steady increase in women's and girls' involvement in criminal groups, their risk of becoming femicide victims also increases. For example, because they rank lowest in the narcotrafficking division of labor, they are much more vulnerable to this form of violence because they are "easily replaceable" – something that occurs less with men. Moreover, many women engage in activities that put them at greater risk – such as drug dealing, transport, and storage and overseeing and monitoring territories – since when the group considers it necessary, they can kill them to avoid being betrayed³¹². Extortion is another activity that puts women at greater risk, since they can be killed when they are unable to collect the protection money, when they steal or keep part of it, or when they have information about the group's activities. The same holds true for women involved in activities linked with the administration of the group's property or money laundering or who serve as "frontmen"³¹³.

105. The Inter-American and universal human rights systems have recognized that violent, genderbased killings of women are the most extreme and irreversible manifestation of violence against them and that they are not an isolated problem but part of a continuum of violence symptomatic of a pattern of structural discrimination against women.³¹⁴. In this regard, they coincide in recognizing that gender is the underlying cause and principal element of these killings. In this regard, the MESECVI Committee of Experts has stated that femicide/femicide, which it defines as "the violent killing of women because of gender" is rooted in the structural inequality existing between men and women and is an extreme act of hatred that "has consolidated the male hegemonic vision over women as an

³¹¹ Spotlight Initiative – Regional Programme for Latin America – UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana.](#) 2021, pg. 37.

³¹² See: Reséndiz Rivera, Nelly Erandy. [Mujeres, pandillas y violencia en Guatemala.](#) Cuadernos Intercambio sobre Centroamérica y el Caribe. 2017, 14(1), 50-75.

³¹³ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; CDM. [Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras.](#) October 2020. IACHR archive; InSight Crime. [Women and Organized Crime in Latin America: Beyond Victims and Victimizers.](#) April 13, 2020.

³¹⁴ IACHR. [Violence and Discrimination against Women and Girls.](#) OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 154 onward; MESECVI. [Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-related Killing of Women and Girls \(Femicide/Feminicide\)](#), 2018, pg. 11; CEDAW Committee. [General recommendation No. 35 \(2017\) on gender-based violence against women, updating general recommendation No. 19 \(1992\).](#) CEDAW/C/GC/35. July 26, 2017, paras. 14-20; Human Rights Council. [Report of the Special Rapporteur on extrajudicial, summary, or arbitrary executions on a gender-sensitive approach to arbitrary killings.](#) A/HRC/35/23, paras. 14 and 15 onward; Human Rights Council. [Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo.](#) A/HRC/20/16. May 23, 2012, paras. 15 onward.

object of transgression and weakness; it is a configuration of the dominating system of patriarchal power”³¹⁵.

106. Furthermore, despite the international duty of the States concerning enhanced due diligence, the IACHR has noted that the murders of women are also characterized by impunity in a context of limited access to justice for the victims, stereotyped patterns, and social permissiveness³¹⁶. In this regard, the Commission recalls that, pursuant to the obligations derived from the Convention of Belém do Pará, when a women or girl is killed in a general context of gender violence, the States have a duty to officially investigate the potential discriminatory implications of the act, whether committed in a public or private setting³¹⁷. Thus, as authorities of the universal system assert, when women are killed because of gender, “the political, societal, and economic context in which it takes place [should be taken into account], including the responses of men to women’s empowerment; the political, legal, and societal reaction to such killings; the principle of the continuum of violence; and patterns of structural discrimination and inequality that continue to form part of the reality of women’s lives”³¹⁸.

D. Disappearances and torture

107. The Commission notes that gang exercise of territorial control extends to everyone who lives, crosses into, and does business in these areas, especially women and girls³¹⁹. As stated earlier, in these contexts, women are not only forced to have sex or enter into unions with gang members but often are individually targeted and abducted while going about their daily business or out in public and are generally taken to *casas locas*³²⁰. According to the available information, some disappearances are temporary, while others are permanent. In

³¹⁵MESECVI. [Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-related Killing of Women and Girls \(Femicide/Feminicide\)](#), 2018, pp. 11-13.

³¹⁶ IACtHR. [Case of González et al. \("Cotton Field"\) v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009](#). Series C No. 205. Judgment of November 16, 2009. Series C No. 205, paras. 399-401; IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 154; IACHR. Press Release No. 062/17. [IACHR Condemns Killings of Women and Urges States to Intensify Prevention Efforts](#). May 16, 2017.

³¹⁷ IACtHR. [Case of Veliz Franco et al. v. Guatemala](#). Preliminary objections, merits, reparations and costs. Judgment of May 19, 2014. Series C No. 277, para. 187; IACtHR. [Case of Barbosa de Souza et al. v. Brazil](#). Preliminary objections, merits, reparations and costs. Judgment of September 7, 2021. Series C No. 435, para. 130.

³¹⁸ Human Rights Council. [Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo](#). A/HRC/20/16. May 23, 2012, para. 18.

³¹⁹ Internal Displacement Monitoring Centre (IDMC); Cristosal; Refugee Law Initiative - School of Advanced Study University of London. [A Web of Violence: Crime, corruption and displacement in Honduras](#). Thematic study. March 2019, pg. 26.

³²⁰ Boerman, Thomas and Knapp, Jennifer. [Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala](#). Immigration Briefings, 17-03. March 2017.

most cases, the women and girls are subjected to different forms of gender violence, including torture, sexual violence, and murder.

Acts of torture

108. The information gathered indicates that gang abductions of women and girls, especially in Honduras and El Salvador, primarily take two forms. The first is temporary confinement, during which they are assaulted and abused, subjected to numerous forms of sexual violence, and released after several hours or days, having suffered serious physical and psychological harm. The second is confinement that ends in the victims' murder and the disappearance of their bodies. The reasons for disposing of their remains in clandestine graves are to prevent their bodies from being located by the authorities, perpetuate their dehumanization, inspire fear in the community, and intensify their families' pain³²¹.
109. Furthermore, the IACHR points out that the circumstances and motives for gang abductions of women and girls and their disappearance are gender-related, since in many of these cases, sexual violence, extreme cruelty, and viciousness predominate³²². These disappearances are used to punish women who have refused to collaborate with the group, have rebuffed the attentions of a gang member, have had relationships with rival gang members, or as punishment for individuals or families who stop paying protection money or refuse to give in to extortion. For example, in a case in Honduras:

[...] [G]ang members threatened to kill a woman after her family could no longer afford to pay protection money for the family business. Several gang members with guns, including a local crime leader, abducted the woman off the street, threw her into a truck, and took her to the leader's house, where he beat and raped her. She was abducted a total of 15 times in two months, and during each abduction was raped multiple times by the same man, who told her if she fought back the process would be bloodier for her. One perpetrator held an iron to his victim's leg during an abduction and rape, leaving a severe burn and deep scar³²³.

110. In light of this, the IACHR recalls that Article 5 of the ACHR generally enshrines the right to personal integrity, physical, mental, and moral. Article 5.2 specifically prohibits subjecting a

³²¹ Fundación de Estudios para la Aplicación del Derecho – FESPAD. *La Desaparición de Personas y el Contexto de la Violencia Actual en El Salvador: Una Aproximación Inicial*. April 2021, pg. 61.

³²² Fundación de Estudios para la Aplicación del Derecho – FESPAD. *La Desaparición de Personas y el Contexto de la Violencia Actual en El Salvador: Una Aproximación Inicial*. April 2021, pg. 60.; The Atlantic. *El Salvador's Gangs Are Targeting Young Girls*. March 4, 2018.

³²³ The Advocates for Human Rights, IANSA, CLADEM. *Honduras. Universal Periodic Review – 22nd Session – Honduras, Violence Against Women*. 2015, para. 14.

person to torture or cruel, inhuman, or degrading punishment – a prohibition that today is enshrined in international law (*jus cogens*)³²⁴. In this regard, the Inter-American Court of Human Rights (IACtHR) has held that an act of torture can be perpetrated through acts of physical violence and acts that cause the victim to suffer physical, psychological, or moral anguish³²⁵. Thus, starting with the recognition that rape is an extremely traumatic experience that causes significant physical and psychological harm³²⁶, it has held that it and other forms of sexual violence against women can constitute cruel, inhuman, or degrading treatment, and even acts of torture, if they satisfy the elements of its definition³²⁷. Authorities of the European³²⁸ and universal³²⁹ human rights systems have made similar pronouncements.

111. Moreover, the IACtHR has recognized that the concept of torture is not limited solely to its commission by public authorities and that the responsibility of the State attaches not only by the direct action of its agents but by the instigation, consent, acquiescence, and failure

³²⁴ IACtHR. [Case of Maritza Urrutia v. Guatemala. Merits, Reparations and Costs](#). Judgment of November 27, 2003. Series C No. 103, para. 92; IACtHR. [Case of Espinoza González v. Peru. Preliminary objections, merits, reparations and costs](#). Judgment of November 20, 2014. Series C No. 289, para. 141.

³²⁵ IACtHR. [Case of Cantoral Benavides v. Peru. Merits](#). Judgment of August 18, 2000. Series C No. 69, para. 100, 102; IACtHR. [Case of Rosendo Cantú et al. v. Mexico. Preliminary objections, Merits, Reparations and Costs](#). Judgment of August 31, 2010. Series C No. 216, para. 114.

³²⁶ See Chapter 4. Section A of this report: *Sexual violence as a way of joining the group*.

³²⁷ In light of Article 5.2 of the American Convention and in line with the jurisprudence of the Inter-American Court, an act of torture exists when the mistreatment: i) is intentional; ii) causes severe physical and mental anguish, and iii) is committed for any reason or purpose. IACtHR. [Case of the Miguel Castro-Castro Prison v. Peru](#). Judgment of November 25, 2006. Series C No. 160, para. 312; [Case of López Soto et al. v. Venezuela](#). Judgment of September 26, 2018. Series C No. 362, para. 184.; [Case of Bedoya Lima et al. v. Colombia. Merits, reparations and costs](#). Judgment of August 26, 2021. Series C No. 431, para. 101.

³²⁸ European Court of Human Rights. [Case of Aydin v. Turkey, No. 23178/94](#). [Translator could not find an equivalent link in English.] Judgment of September 25, 1997, para. 86. Furthermore, the European Court has ruled on the positive obligations deriving from Article 3 of the European Convention (Prohibition of torture) in cases of rape and sexual abuse. See, *inter alia*: European Court of Human Rights. [M.G.C. v. Rumania, No. 36934/08](#). [Translator could not find an equivalent link in English.] Judgment of May 24, 2016, para. 52; European Court of Human Rights. [M.C. Vs. Bulgaria, No. 39272/98](#). [Translator could not find an equivalent link in English.] Judgment of December 4, 2003, para. 153.

³²⁹ Committee for the Elimination of Discrimination against Women. [General recommendation No. 35 \(2017\) on gender-based violence against women, updating general recommendation No. 19 \(1992\)](#) CEDAW/C/GC/35. July 26, 2017, para. 16: “[I]gender-based violence against women may amount to torture or cruel, inhuman, or degrading treatment in certain circumstances, including in cases of rape, domestic violence or harmful practices”; Human Rights Council. [Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#). A/HRC/31/57. January 5, 2016, paras. 31 and 51; Human Rights Council. [Report of the Special Rapporteur on torture, and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak](#). A/HRC/7/3. January 15, 2008, paras. 28 – 31; Committee against Torture. [General comment No. 2 \(2007\) on the implementation of article 2 by States parties](#) CAT/C/GC/2. January 24, 2008, para. 18; Human Rights Committee. [General comment No 28: Article 3 \(The equality of rights between men and women\)](#) HRI/GEN/1/Rev.7. 2000, paras. 11 and 20.

to act when it could prevent such acts and did not do so.³³⁰ It has therefore held that, based on the new normative framework of the Convention of Belém do Pará, which should permeate the evolutive interpretation of conduct and acts of violence against women that may be categorized as torture, “acts of violence by private individuals cannot be excluded when they are committed with the State’s tolerance or acquiescence because it has deliberately failed to prevent them”³³¹. It has also added that violence against women also encompasses the private sphere; therefore, “it is necessary to recognize that intentional acts perpetrated by a private individual that cause a woman severe physical, sexual, or psychological suffering may constitute acts of torture and deserve a punishment adapted to their severity to achieve the goal of their eradication”³³².

Disappearances of women and children

112. The Commission observes with great concern the high figures for disappearances of women, particularly girls and young women, in Central America’s Northern Triangle³³³, noting that many of these disappearances may be linked to individuals involved in organized crime, especially in areas under its control. In Guatemala, for example, many women’s disappearances have been linked to the growth of narcotrafficking in certain parts of the country, as well as to gangs and personal vendettas among their members.

³³⁰ IACtHR. [Case of López Soto et al. v. Venezuela. Merits, reparations and costs. Judgment of September 26, 2018. Series C 362, paras. 192, 195, and 196.](#) In this regard and with respect to the evolutive approach, the Court has recognized that historically, the framework of protection against torture and mistreatment has developed in response to acts and practices verified mainly during the interrogatory in connection with an inquiry or trial for the commission of an offense, as well as in response to confinement as an instrument of punishment or intimidation. However, the international community has gradually recognized that torture and other inhuman treatment can also take place in other situations involving custody, dominance, or control, in which the victim is defenseless. IACtHR. [Case of I.V. v. Bolivia. Preliminary objections, merits, reparations and costs. Serie 329. Judgment of November 30, 2016, para. 263, citing UN. Report of the Special Rapporteur on violence against women, its causes and consequences; Radhika Coomaraswamy. Policies and practices that impact women’s reproductive rights and contribute to, cause or constitute violence against women. E/CN.4/1999/68/Add.4. January 21, 1999, para. 44; Report of the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment., Juan E. Mendez, A/HRC/22/53. February 1, 2013, para. 15; Committee against Torture. General comment No. 2 on the implementation of article 2 by States parties. CAT/C/GC/2. January 24, 2008, para. 15.](#)

³³¹ IACtHR. [Case of López Soto et al. v. Venezuela, Merits, reparations and costs.](#) Judgment of September 26, 2018. Series C No. 362, para. 197.

³³² IACtHR. [Case of López Soto et al. v. Venezuela, Merits, reparations and costs.](#) Judgment of September 26, 2018. Series C No. 362, para. 194. Similarly, referring to Article 1 of the United Nations Convention against Torture, the Special Rapporteur on torture, noted that violence against women outside direct State control “has frequently been used to exclude women from the scope of protection of CAT. However, [...] the language used in [that article] concerning consent and acquiescence by a public official clearly extends State obligations into the private sphere and should be interpreted to include State failure to protect persons within its jurisdiction from torture and ill-treatment committed by private individuals”. [Report of the Special Rapporteur on torture, and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, A/HRC/7/3, January 15, 2008, para. 31.](#)

³³³ See Chapter 2 of this report: *Persistent violence against women and girls in the context of organized crime*. [Chapter title in the footnote changed to match the title at the start of the chapter]

Furthermore, comparing the figures on disappearances in areas where criminal groups are present, investigative reporting has revealed that the areas with more reports of disappearances per square meter coincide with the presence of gangs³³⁴. In El Salvador, disappearances are perpetrated to exact vengeance or punishment, as in the case of women whose intimate partners are responsible for their disappearance. Such disappearances are linked with femicide, the use of bodies to mark territories, reprisals for refusing to take part in criminal activities or join a gang, personal or family revenge, or because the victim crossed into an area controlled by a rival gang³³⁵.

113. At the same time, the Commission takes note of the steps taken by El Salvador, Honduras, and Guatemala to address the disappearance of women and girls. Significant among them are the introduction of alerts to search for children and adolescents in the three countries³³⁶, as well as the search for women in Guatemala³³⁷. In addition, Honduras has created the Missing Persons Immediate Search Unit under the Police Investigation Office (DPI)³³⁸. El Salvador has implemented the Institutional Strengthening Project for missing persons cases associated with organized crime to reduce impunity in El Salvador 2017-2019, under the Attorney General's Office (FGR)³³⁹; created and implemented the Urgent Action Protocol (PAU) and the Missing Persons Search Strategy, developed by the

³³⁴ Agencia Ocote. [Por qué Desaparecen Más de Siete Mujeres al Día en Guatemala](#). September 7, 2020.

³³⁵ La Brújula. [¿Dónde están? un grito interminable en El Salvador](#). May 11, 2021.; El Salvador. "Las adolescentes suelen ser desaparecidas por miembros de pandillas o por agresores sexuales", advierte defensora de derechos humanos. November 6, 2021.

³³⁶ **El Salvador** has introduced the "Ángel Desaparecido" [Missing Angel] Alert (AAD) under the Attorney General's Office (FGR) to immediately search for, locate, and rescue child and adolescent victims of abduction, human trafficking, and other crimes that deprive them of their liberty. See: El Salvador. [Alerta Ángel Desaparecido](#), 2021. **Guatemala** has the "Alba Keneth" system for locating children and adolescents, which has its own operations unit under the National Ombudsman's (PGN) Office for Children and Adolescents. The alert involves coordination with the International Criminal Police Organization (INTERPOL), which, in turn, activates an immediate 30-day search protocol beyond Guatemala's borders. See: Procuración General de la Nación, Guatemala. [Procuraduría de la Niñez y Adolescencia – Alerta Alba-Keneth](#). 2021. **Honduras** has the Early Amber Alert for locating children and adolescents. This system is comprised of 12 institutions, among them the Office for Children, Adolescents, and Families (DINAF), the Secretariat of Security, the National Telecommunications Commission (CONATEL), and the Public Ministry's Children's Prosecutor's Office. See: Tribunal Superior de Cuentas, Honduras. [Decreto No. 119-2015 - Ley de Alerta Temprana "AMBER", para localizar y proteger a niños, niñas y adolescentes desaparecidos o secuestrados](#). Adopted December 30, 2016; Honduras. [Alerta Amber Honduras](#). 2021; and, La Prensa. [Habilitan Alerta Temprana Amber para buscar a menores desaparecidos en Honduras](#). February 5, 2021.

³³⁷ Guatemala has the Isabel Claudina Alert, in which 10 State institutions participate. See: Congreso de la República de Guatemala. [Decreto No. 9-2016. Ley de Búsqueda Inmediata de Mujeres Desaparecidas](#). Published March 1, 2016.

³³⁸ International Committee of the Red Cross (ICRC). [Honduras: the missing](#). April 22, 2020.

³³⁹ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019.

FGR in coordination with other State agencies³⁴⁰; produced specific instructions for police action in missing persons cases³⁴¹; amended the Criminal Code to recognize disappearances attributable to private parties as a crime³⁴²; created a special missing persons unit in the FGR that coordinates activation of the PAU to search for and locate missing persons and criminally investigate and prosecute cases³⁴³; and created the PNC's Missing Persons Portal, which enables the public to fill out an online form with relevant information and file a missing person's report³⁴⁴.

114. Notwithstanding, the Commission notes that the numerous challenges in reporting, investigating, and solving cases of missing women and girls in these countries include the persistent absence of a gender perspective in search and investigation procedures and the lack of information, provisions, or methodologies to link this form of violence against women with the activities of criminal groups. It further notes that, given the threats and intimidation to which women and girl victims of violence and their families are subject, these crimes are generally not reported to the authorities³⁴⁵. In addition to perpetuating their risk and heightening the impunity surrounding these crimes³⁴⁶, this results in a lack of understanding of the phenomenon and its scope and impedes the adoption of appropriate measures to combat it³⁴⁷.
115. The Commission finds that when women's disappearances are committed for reasons that are gender-based, they constitute a form of violence against women under the terms of the

³⁴⁰ In this regard, see: FGR. [Fiscal General presentó Instructivo para la Búsqueda de Personas Desaparecidas](#). August 12, 2019; [InfoSegura, Guatemala, Honduras y El Salvador, intercambian experiencias en Registro de Personas Desaparecidas](#). [Page not found] February 6, 2019.

³⁴¹ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019.

³⁴² Fundación de Estudios para la Aplicación del Derecho. [Comunicado: Desaparición de Personas en El Salvador](#). April 7, 2021.

³⁴³ IACHR. Press Release No. 335/19 [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019. See also: Fiscalía General de la República - El Salvador. [Fiscal General presentó Instructivo para la Búsqueda de Personas Desaparecidas](#), August 12, 2019.

³⁴⁴ In this regard, see: PNC, El Salvador. [PNC lanza portal de aviso sobre personas desaparecidas](#). September 25, 2019; PNC, El Salvador. [Portal de Personas Desaparecidas](#). 2021.

³⁴⁵ Revista Factum. [Así viven y mueren las mujeres pandilleras en El Salvador](#). March 11, 2016, pg. 12.

³⁴⁶ See Chapter 5, Section B of this report, [Access to justice and due diligence](#).

³⁴⁷ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; Agencia Ocote. [Por qué Desaparecen Más de Siete Mujeres al Día en Guatemala](#). September 7, 2020.

Convention of Belém Do Pará³⁴⁸. It also notes their close connection with other forms of violence prohibited by the Convention, since they create an enabling environment for the commission of additional acts of gender violence, such as sexual violence and femicide/feminicide³⁴⁹. The Inter-American Court has therefore held that, in general contexts of violence against women, an obligation of strict due diligence arises when reports of missing women are filed to immediately conduct thorough search operations in the first hours and days to discover their whereabouts³⁵⁰. This obligation is reinforced when the disappearance of girls is involved, considering the greater risk to them due to their gender and age³⁵¹. Furthermore, in light of the obligation of strict due diligence, search and investigation procedures should include a gender perspective and be conducted by competent, impartial authorities trained in the matter³⁵².

E. Slavery-like practices

116. In contexts dominated by organized crime, women and girls are forced through threats, coercion, and multiple forms of violence to engage in activities that may constitute slavery-like practices. This includes tasks related to its illicit activities³⁵³, as well as activities characteristic of traditional gender roles, such as managing the household and caregiving. Furthermore, situations have been reported in which women and girls are forced to become the sexual partners of members of criminal groups and submit to other practices analogous to sexual slavery³⁵⁴. In this regard, the Commission recalls that the right not to

³⁴⁸ MESECVI Committee of Experts. General Recommendation No. 2: Missing Women and Girls in the Hemisphere, 2018, pg. 13. [Translator could not find identical link and substituted this link to the same content]. The Working Group on Enforced or Involuntary Disappearances (WGEID) made a similar pronouncement: General comment on women affected by enforced disappearances adopted by the Working Group on Enforced or Involuntary Disappearances, A/HRC/WGEID/982, 2013, para. 3

³⁴⁹ IACtHR. Case of López Soto et al. v. Venezuela, Merits, reparations and costs. Judgment of September 26, 2018. Series C No. 362, para. 145; IACHR. Violence and Discrimination against Women and Girls. OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 163; MESECVI Committee of Experts. General Recommendation No. 2: Missing Women and Girls in the Hemisphere, 2018, pg. 13.

³⁵⁰ IACtHR. Case of González et al. ("Cotton Field") v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009. Series C No. 205, paras. 283 and 293; IACtHR. Case of Velásquez Paiz et al. v. Guatemala. Judgment of November 19, 2015. Serie C. No. 307, para. 122.

³⁵¹ IACtHR. Case of Veliz Franco et al. v. Guatemala. Judgment of May 19, 2014. Series C No. 277, para. 134; IACHR. Violence and Discrimination against Women and Girls. OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 212.

³⁵² IACtHR. Case of González et al. ("Cotton Field") v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009. Series C No. 205, para. 455; IACtHR. Case of Espinoza Gonzáles v. Peru. Preliminary objections, merits, reparations and costs. Judgment of November 20, 2014. Series C No. 289, para. 242.

³⁵³ IACHR. Internal Displacement in the Northern Triangle of Central America. Public Policy Guidelines OEA/Ser.LV/II. Doc 101. July 27, 2018, para. 34.

³⁵⁴ OHCHR. "Protect the victims, particularly women and children" – UN expert on contemporary slavery urges El Salvador. April 29, 2016; IDMC. A Web of Violence: Crime, corruption and displacement in Honduras. March 2019, pg. 26.

be subject to slavery, servitude, forced labor, or the slave trade and traffic in women enshrined in Article 6 of the ACHR is an essential provision of the American Convention and one of the core non-derogable rights³⁵⁵.

Forced labor and criminal exploitation

117. The Commission has learned about the situation of women who, under threats, are forced to care for children who are not theirs. According to public information, in communities in El Salvador, various women have been compelled to raise the sons and daughters of gang members as their own, while the gang members, their partners, or the parents of these children are in prison or outside the country³⁵⁶. The U.S. Department of State has also reported this situation in El Salvador³⁵⁷. According to its information, this phenomenon is found in at least three Salvadoran communities controlled by the *Barrio 18* gang. While at least 12 such cases have been found in one of these communities³⁵⁸, the IACHR indicates that the real extent of the phenomenon is still unknown.
118. According to accounts gleaned from the press, children are handed over to women in the community, who are forced to become their caregivers and even take on the role of mother through threats and intimidation without receiving any additional resources or financial compensation. These women are in no position to refuse and are not given any additional information about the children under their care. Once they begin caring for a child, they are hounded, harassed, and under constant surveillance³⁵⁹. For example, one of the women in this situation stated that:

[...] Around 2:00p.m., the phone rang. A man's voice told me they were putting the boy in my care and that whatever happened to him would be my fault. Did I understand? And they knew my family, so it wasn't very easy to get out of something that could be held against me [...] I didn't need to present him as child of theirs. We have simply learned what's what. Because just hearing how they speak is terrifying. Terrifying. [...]

³⁵⁵ IACtHR. *Case of the Hacienda Brasil Verde Workers v. Brazil*. Preliminary objections, merits, reparations and costs. Judgment of October 20, 2016. Series C No. 318, paras. 243 and 249; IACHR. Press Release No. 110/17. [In the World Day against Trafficking in Persons, the IACHR call on States to Adopt a Human Rights Approach in Response to the Diverse Forms of Human Trafficking](#) [Title is exactly as it appears in the Press Release, complete with mistakes in English.] July 31, 2017.

³⁵⁶ Revista Factum. [Las niñeras del Barrio 18](#). December 6, 2017.

³⁵⁷ Boerman, Thomas y Golob, Adam. [Gangs and Modern-Day Slavery in El Salvador, Honduras and Guatemala: A Non-Traditional Model of Human Trafficking](#). Journal of Human Trafficking. 1March 6, 2020, pp. 175-176.

³⁵⁸ Revista Factum. [Las niñeras del Barrio 18](#). December 6, 2017.

³⁵⁹ Revista Factum. [Las niñeras del Barrio 18](#). December 6, 2017.

They told me that if anything happened to the boy, they would know it. "They." "We." He said that they already knew where they could hurt me. In other words, they were talking about the gang. They told me that I already knew what they were. This was the only such call. But as time passed, they would call me, and all I could hear on the other end was heavy breathing. They just stayed like that. I thought they wanted to hear the boy, but what they wanted was for me to hear that breathing, as if to warn me that the animal was near³⁶⁰.

119. Fearing reprisals against themselves or their families, these women do not report this situation to the authorities charged with protecting the rights of children and adolescents. Moreover, the accounts reveal that the children involved have no identification papers, and there is no formal adoption, making it hard for such children to gain access to basic services (i.e. health and education) and at the same time preventing the women who care for them from making decisions on their behalf. Here, the Commission recalls the duty of special protection, which, in contexts of insecurity and violence, implies the duty to adopt adequate and appropriate special measures to protect the rights of children and adolescents in this situation³⁶¹.
120. Furthermore, the Commission observes that in territories controlled by organized crime, women and girls are forced to participate in the illicit activities of these groups, including robberies, the collection of protection money, the transport and sale of drugs, and the planning of kidnappings and murders. In addition, some activities are entrusted specifically to women, such as visiting jails; maintaining communication between incarcerated gang leaders and members in their neighborhood; or serving as sexual partners or "companions"³⁶².
121. In the case of women and girls who fail to engage in the forced activities or attempt to leave a gang, the threats or punishments include specific gender-based violence, including sexual violence and particularly grisly killings committed with misogynistic cruelty³⁶³. As the Special Rapporteur on contemporary forms of slavery, its causes and consequences has stated, once children and women are forcibly recruited into gangs, they are unable to leave and must remain in them and perform the tasks imposed on them. The Special Rapporteur

³⁶⁰ Revista Factum. [Las niñeras del Barrio 18](#). December 6, 2017.

³⁶¹ IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 269-277

³⁶² IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 196; UNHCR. [Women on the Run. First-hand accounts of refugees fleeing El Salvador, Guatemala, Honduras and Mexico](#). October 2015.

³⁶³ IACHR. [Violence, Children, and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 8.

expressed alarm at the reports describing this situation, stating that this could constitute contemporary forms of slavery.³⁶⁴

122. Here, the Commission recalls, that as established by the Inter-American Court, the definition of forced or compulsory labor has two basic elements: the work or service is exacted under the menace of a penalty, and it is performed involuntarily³⁶⁵. The menace can consist of the real and actual presence of a threat, which can assume different forms and degrees, the most extreme of which are those that imply coercion, physical violence, isolation or confinement, or the threat to kill the victim or his next of kin.³⁶⁶ The involuntary nature of the work or service (i.e., unwillingness to perform it) consists of the absence of consent or free choice at the time the situation of forced labor begins or continues, which can occur for different reasons, such as illegal deprivation of liberty, deception, or psychological coercion³⁶⁷.

123. The Commission further notes that the activities forced on women, such as childcare, are influenced by the gender stereotypes and roles that society assigns to men and women, as well as the social normalization of what is expected of them³⁶⁸. In particular, it notes that caregiving is very demanding, limiting women's ability to advance toward economic, physical, and decision-making independence³⁶⁹ and reproducing the patterns of discrimination and exclusion to which they have historically been subject. In this regard, the Commission recalls that Article 6 of the Convention of Belém do Pará expressly states that the right of women live free of violence includes the right "to be valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination." Furthermore, Article 8(b) of that same Convention obligates the

³⁶⁴ UN, Human Rights Council. [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to El Salvador](#) . AHRC/33/46/Add.1. August 3, 2016, para. 35, 36

³⁶⁵ IACtHR. [Case of the Ituango Massacres v. Colombia](#). Judgment of July 1, 2016, para. 155-160; IACtHR. [Case of the Hacienda Brasil Verde Workers v. Brazil](#). Preliminary objections, merits, reparations and costs. Judgment of October 20, 2016. Series C No. 318, paras. 291 and 92.

³⁶⁶ IACtHR. [Case of the Ituango Massacres v. Colombia](#). Judgment of July 1, 2016, para. 161.

³⁶⁷ IACtHR. [Case of the Ituango Massacres v. Colombia](#). Judgment of July 1, 2016, para. 164; IACtHR. [Case of the Hacienda Brasil Verde Workers v. Brazil](#). Preliminary objections, merits, reparations and costs. Judgment of October 20, 2016. Series C No. 318, para. 293.

³⁶⁸ IACHR. Report No. 04/01. Case 11.625. Merits. María Eugenia Morales de Sierra. Guatemala. 2001, para. 52; IACHR. Report No. 51/13. Case 12.551. Merits. Paloma Angélica Escobar Ledezma et al. Mexico. 2013, para.119. See also IACHR. Report on Poverty and Human Rights in the Americas. OEA/Ser.LV/II.164 Doc. 147. 2017, para. 186. IACHR. Access to Justice for Women Victims of Violence in the Americas. OEA/Ser.LV/II. Doc. 68. 2007, para. 151. IACHR. [Annex I. Standards and Recommendations. Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 3.

³⁶⁹ UN Women. [El Trabajo de Cuidados: Una Cuestión de Derechos Humanos y Políticas Públicas](#). May 2018, pg. 220. [Page and English version not found]

States Party to gradually adopt specific measures, including programs “to modify social and cultural patterns of conduct of men and women” that underlie the different forms of violence against women.

Sexual slavery

124. The Special Rapporteur on contemporary forms of slavery, its causes and consequences noted that while in El Salvador, she had received multiple reports of slavery-like practices in the context of gang violence. These practices took various forms, including the sexual enslavement of women and girls³⁷⁰. According to the accounts she received, one of the most common forms of sexual and other forms of exploitation through extortion consists of forcing women and girls to provide sexual services to imprisoned gang members³⁷¹. As the Rapporteur states in her report:

Gang members reportedly threaten women and their families with violence or death in order to force them to repeatedly make conjugal visits to gang leaders and members in prisons. In many instances, they are also forced to smuggle telephones and weapons into the prisons. In some situations, women and girls are reportedly forced to comply with a regular schedule of conjugal visits compiled by gangs. Some young girls in school have been told they have been selected as a “gift” for a gang leader. As a result, one mother of young girls told [the Special Rapporteur] that she would not allow her daughters to attend secondary school for fear of them falling prey to gangs that target girls in schools...”³⁷²

125. Similarly, investigators who obtained statements from women victims cite the case of Lidia in El Salvador, about whom it is said:

After killing her brother, the Barrio 18 gang claimed Lidia as “property” in order to punish him in the grave and forced her to begin visiting one of the gang’s leaders in prison. For over three years she was forced to make conjugal visits under threat of death, during which Lidia endured extreme violence, including being forced to have humiliating, painful sex. She often left the prison bruised from the abuse and states that while the prison staff clearly recognized that she was injured, the authorities never said anything about it or intervened [...] After she fled the community to

³⁷⁰ UN, Human Rights Council. [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to El Salvador. A/HRC/33/46/Add.1. August 3, 2016, para. 32.](#)

³⁷¹ UN, Human Rights Council. [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to El Salvador. A/HRC/33/46/Add.1. August 3, 2016, para. 33.](#)

³⁷² UN, Human Rights Council. [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to El Salvador. A/HRC/33/46/Add.1. August 3, 2016, para. 33.](#)

*escape, Barrio 18 members abducted a member of Lidia's family and tortured him to coerce her into returning*³⁷³.

126. Likewise, many women and girls report having been forced to become or are at risk of becoming the “girlfriends” of gang members, which involves numerous forms of violence, such as early unions, forced unions, physical and psychological violence, as well as sexual violence. Regarding the latter, the Commission points to numerous reports of women being subjected to forms of sexual slavery. Once recruited, they are forced under threat to submit to a range of sexual practices, being objects of sexual violence and rape, sometimes for prolonged periods and, on many occasions by several male gang members³⁷⁴.
127. According to the Special Rapporteur on contemporary forms of slavery, its causes and consequences, the forced recruitment of girls and young women into gang activities, and especially their forced prostitution through “conjugal visits” to gang members in prison, are extreme forms of sexual exploitation and human degradation that involve the exercise of powers similar to property rights over these individuals³⁷⁵.
128. In this regard, the Inter-American Court has held that the two basic elements that define a situation as slavery are the status or condition of a person, on the one hand, and the exercise of some of the powers attaching to the right of ownership, on the other – in other words, the enslaver exercises power or control over the enslaved person to the point of obliterating the personality of the victim³⁷⁶. This latter includes the restriction or control of an individual’s autonomy; the loss or restriction of freedom of movement; the accruing of some gain to the perpetrator; the absence of the victim’s consent or free will, or it is rendered impossible or irrelevant by the threat or use of force or other forms of coercion, the fear of violence, deception, or false promises; the use of physical force or psychological oppression; the victim’s position of vulnerability; detention or captivity; and exploitation³⁷⁷. Moreover, it is important to consider the victims’ perspective when interpreting their

³⁷³ Boerman, Thomas y Golob, Adam. [Gangs and Modern-Day Slavery in El Salvador, Honduras and Guatemala: A Non-Traditional Model of Human Trafficking](#). *Journal of Human Trafficking*. March 16, 2020.

³⁷⁴ The Guardian. [‘It’s a crime to be young and pretty’: girls flee predatory Central America gangs](#). November 23, 2016.

³⁷⁵ OHCHR. [“Protect the victims, particularly women and children” – UN expert on slavery urges El Salvador](#). April 29, 2016.; The Guardian. [‘It’s a crime to be young and pretty’: girls flee predatory Central America gangs](#). November 23, 2016.

³⁷⁶ IACtHR. [Case of the Hacienda Brasil Verde Workers v. Brazil](#). Preliminary Objections, Merits, Reparations and Costs. Judgment of October 20, 2016. Series C No. 318, para. 269; IACtHR. [Case of López Soto et al. v. Venezuela](#). Merits, Reparations, and Costs. Judgment of September 26, 2018. Series C No. 362, para. 174.

³⁷⁷ IACtHR. [Case of the Hacienda Brasil Verde Workers v. Brazil](#). Judgment of October 20, 2016. Series C No. 318, para. 272.

perception of the coercion to which they are subjected³⁷⁸, especially when the victims are women and girls³⁷⁹.

129. The Inter-American Court has held that sexual slavery is a particular form of slavery in which sexual violence³⁸⁰ plays a preponderant role in the exercise of the powers attaching to the right to ownership of a person. In such cases, factors related to limitations on the victim's sexual autonomy and activity can constitute indicators of the exercise of control. Furthermore, the Court has held that the element of slavery is determinant to differentiate such acts from other forms of sexual violence. The identification of such conduct as a form of slavery renders all obligations associated with the nature *jus cogens* of its prohibition applicable; that is, the absolute and non-derogable nature of the obligations³⁸¹. In addition, it should be emphasized that the Court has noted the need to underscore the "sexual" nature of this form of slavery to recognize this more specific characteristic that disproportionately affects women, because it exacerbates the historic and persistent subordination/ domination relationship between men and women, constituting a manifestation of discrimination against women³⁸².

³⁷⁸ Written version of the assessment presented by Daniela Kravetz during the public hearing before the Inter-American Court on February 6, 2018 (Merits file, Vol. I, folio 830), citing UN. Systematic rape, sexual slavery and slavery-like practices during armed conflict: *Final report submitted by Special Rapporteur Gay McDougall*, E/CN.4/Sub.2/1998/13, 2000, para. 29.

³⁷⁹ IACtHR. *Case of López Soto et al. v. Venezuela, Merits, reparations and costs*. Merits, Reparations and Costs. Judgment of September 26, 2018. Series C No. 362, para. 175.

³⁸⁰ "Sexual violence" is understood as "any violence, physical or psychological, carried out through sexual means or by targeting sexuality". It covers both physical and psychological attacks on a person's sexual characteristics, such as forcing a person to strip naked in public, mutilating a person's genitals, as well as situations intended to inflict severe humiliation on the victims, such as compelling two victims to perform sexual acts on one another or forcing others to watch acts of sexual violence to intimidate them. UN: Sub-Commission on the Prevention of Discrimination and Protection of Minorities [Sub-Commission indicated in the actual document]. *Systemic rape, sexual slavery and slavery-like practices during armed conflict* Final report submitted by Ms. Gay J. McDougall, Special Rapporteur. E/CN.4/Sub.2/1998/13. June 22, 1998, paras. 21 and 22.

³⁸¹ IACtHR. *Case of López Soto et al. v. Venezuela, Merits, Reparations and Costs*. Judgment of September 26, 2018. Series C No. 362, para. 176. The United Nations Special Rapporteur on contemporary forms of slavery has made similar statements. UN: Sub-Commission on the Prevention of Discrimination and Protection of Minorities [See comment immediately above]. *Systematic rape, sexual slavery and slavery-like practices during armed conflict*. Final report submitted by Ms. Gay J. McDougall, Special Rapporteur. E/CN.4/Sub.2/1998/13. June 22, 1998, paras. 8, 27, and 29.

³⁸² IACtHR. *Case of López Soto et al. v. Venezuela, Merits, Reparations and Costs*. Judgment of September 26, 2018. Series C No. 362, para. 181.

F. Violence against women and girls in situations of human mobility

130. The Commission has observed that in the Northern Triangle of Central America, the roots of forced displacement³⁸³, both internal and international³⁸⁴ lie, *inter alia*, in the violence, insecurity, and systematic human rights violations committed by organized crime in these countries³⁸⁵. In this regard, the Commission announces that the causes, consequences, and impacts of forced displacement will be examined in depth in its report *Regional Protection of Persons in Contexts of Human Mobility in Central and North America: The situation of migrants, refugees, and returnees*. In this section, therefore, the Commission will focus on the intersection of gender components with the causes and consequences of human mobility linked with the activities of organized crime.

³⁸³ The Commission has recognized that human mobility is a multicausal phenomenon that is either voluntary or forced. In the first case, people migrate without any type of coercion; in the second, people are compelled to migrate because their lives, safety, or liberty is in jeopardy from different causes, such as armed conflict, widespread violence, natural disasters, etc. IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#). OEA/Ser.L/V/II. Doc 46/15. December 31, 2015. para. 3.

³⁸⁴ La IACHR has stated that human mobility includes both international and internal migration. International migration occurs when a person or group of persons crosses one of their country's internationally recognized borders with the intention of settling, either temporarily or permanently, in another country. IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#) OEA/Ser.L/V/II. Doc 46/15. December 31, 2015, para. 2.

³⁸⁵ IACHR. [Internal Displacement in the Northern Triangle of Central America. Public Policy Guidelines](#) OEA/Ser.L/V/II. Doc.101/18. July 27, 2018, para. 29; IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#) OEA/Ser.L/V/II. Doc 46/15. December 31, 2015, para. 19, 45. With regard to **El Salvador**, the IACHR has learned that the Constitutional Chamber of the Supreme Court of Justice handed down amparo judgement 411/17 of July 13, 2018, which recognizes that the roots of forced displacement lie in the prevailing context of violence and insecurity in areas of the country controlled by gangs, and in the systematic human rights violations committed by organized crime. IACHR. Press Release No. 178/18. [IACHR and the UN's Special Rapporteur on the Human Rights of Internally Displaced Persons Welcome Decision Made by El Salvador's Constitutional Chamber on Internal Displacement Caused by Violence](#). August 10, 2018. With regard to **Honduras**, the IACHR has observed that internal displacement is due, among other things, to the levels of violence and the activities of criminal organizations. IACHR. Press Release No. 014/21. [Honduras: UN and IACHR Experts Urge Immediate Adoption of Law to Protect Internally Displaced People](#). January 27, 2021. Similarly, UNHCR has stated that in Honduras, those most responsible for forced displacement are organized crime groups. UNHCR. [¿Es el desplazamiento forzado otro ejemplo de la feminización de la violencia en Honduras? Investigación sobre violencia sexual y femicidios como causas del desplazamiento forzado](#). September 22, 2021, pg. 44. This is also confirmed in the report by the Interinstitutional Committee for the Protection of Persons Displaced by Violence, which concluded that the new types of territorial groups in the region, fueled by the illicit funds generated by drug trafficking and the diversification of criminal activities (extortion, kidnapping, etc.), have created complex situations of violence, one of whose consequences is forced displacement. Interinstitutional Committee for the Protection of Persons Displaced by Violence. [Caracterización del Desplazamiento Interno en Honduras](#). November 2015, pg. 22. With respect to **Guatemala**, the IACHR has noted that the causes of internal displacement include extortion, threats, the presence of organized crime, and drug-trafficking. IACHR. 2018 Annual Report. [Chapter V. Follow-up of Recommendations Issued by the IACHR in Its Country Thematic Reports. The Human Rights Situation in Guatemala](#). 2018, pg. 658. IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.L/V/II. Doc. 208/17. December 31, 2017, para. 209. Furthermore, the Office of the Human Rights Ombudsman (PDH), determined that between 2017 and 2018, there were 110 cases of individuals forcibly internally displaced due to violence. Office of the Human Rights Ombudsman. [Diagnóstico sobre desplazamiento forzado interno desde el análisis de expedientes de La Procuraduría de los Derechos Humanos, periodo 2017-2018](#). Undated.

131. The IACHR observes that a common feature of human mobility in the three countries examined in this report is that women are generally the majority of people in situations of forced displacement. In its report on internal mobility, the Government of El Salvador noted that, as in the entire population, the women in the families surveyed are also the majority (54%) of the population mobilized by violence³⁸⁶. In Guatemala, according to a report from the Human Rights Ombudsman (PDH), the majority of forcibly internally displaced persons between 2017 and 2018 (72%) were women³⁸⁷. Furthermore, according to a study characterizing internal displacement in Honduras, 55% of the members of displaced households are women³⁸⁸. In the case of the migrant population, the information gathered indicates that women account for 49.1% of Salvadoran migrants³⁸⁹, 50.03% of Honduran migrants³⁹⁰, and 50.72% of Guatemalan migrants³⁹¹.
132. The information obtained for the preparation of this report indicates that across the board, the high rates of gender violence against women and the context created by the presence and activities of criminal groups influences women's decision to uproot themselves and move to other areas of the country or to migrate to other countries³⁹². Added to this is the lack of protection from the relevant authorities when allegations of violence are reported³⁹³. Moreover, not only are women the largest displaced population group, but they have greater

³⁸⁶ Ministry of Justice and Public Security. Government of El Salvador. [Caracterización de la Movilidad Interna a Causa de la Violencia en El Salvador, Informe Final](#). March 2018.

³⁸⁷ Office of the Human Rights Ombudsman. [Contribución del Procurador de los Derechos de Guatemala sobre "el nexos entre los desplazamientos forzados y las formas contemporáneas de esclavitud" en ocasión del 48o período de sesiones del Human Rights Council de las Naciones Unidas](#). March 2021.

³⁸⁸ Inter-institutional Committee for the Protection of Persons Displaced by Violence. [Estudio de Caracterización del desplazamiento interno por violencia en Honduras 2004-2018](#), December 2019, pg. 31.

³⁸⁹ Ministry of Foreign Affairs of El Salvador. [Mujeres, niñez y migración: La experiencia de El Salvador](#). Reunión extraordinaria de la Mesa Directiva de la Conferencia Regional sobre Población y Desarrollo. November 7-9, 2017.

³⁹⁰ UN: Population Division. [International Migrant Stock 2020](#). 2020.

³⁹¹ UN: Population Division. [International Migrant Stock 2020](#). 2020.

³⁹² In this regard, UNHCR has determined that asylum-seekers from the Northern Triangle of Central America have certain "risk profiles," including persons pursued by gangs, persons engaged in activities likely to be the targets of extortion, victims and witnesses of crimes committed by gangs or members of law enforcement, children and youth in areas where gangs operate, women and girls in areas where gangs operate, and LGBTI people. In this regard, UNHCR notes that some regional instruments, such as the Cartagena Declaration, clearly require that refugee status be granted to people fleeing generalized violence in their countries, as in the Northern Triangle countries of Central America. UNHCR. [Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador](#). HCR/REG/SLV/16/01. March 2016. See also: Amnesty International. [Home Sweet Home? Honduras, Guatemala and El Salvador's Role in a Deepening Refugee Crisis](#). October 14, 2016, pg. 27.

³⁹³ IACHR. [Internal Displacement in the Northern Triangle of Central America. Public Policy Guidelines](#), OEASer.LV/II. Doc. 101. July 27, 2018, para. 29; UNHCR. [UNHCR urges more effective action against gender-based violence in the north of Central America](#). December 6, 2021.

problems related to displacement³⁹⁴ and are at constant risk of falling victim to different forms of gender violence in the course of their migration³⁹⁵.

Causes of forced internal and international displacement of women and girls

133. In the particular case of Central America's Northern Triangle, many women and girls feel compelled to flee³⁹⁶ the violence and control exerted by gangs and criminal groups over them and their families. Many women abandon their home, undertaking dangerous journeys to save themselves or the lives of their families when they have been victims of violence³⁹⁷, witnesses to acts of violence³⁹⁸, victims of extortion, threatened (including with death), or fear that their sons and daughters will fall victim to the rampant social violence in the country³⁹⁹. According to the available information, those who face higher levels of persecution by criminal groups are young women, female heads of household, and trans women⁴⁰⁰.
134. Consistent with the above, the IACHR observes that many women decide to leave these countries to protect their children on seeing them threatened if they do not to join criminal

³⁹⁴ IACtHR. *Case of Yarce et al. v. Colombia. Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 22, 2016. Series C No. 325, para. 243.

³⁹⁵ The CEDAW Committee has recognized that internal and international displacement has specific gender dimensions and that the CEDAW Convention applies at every stage of the displacement cycle: during flight, in settlement, and upon return. CEDAW. *General recommendation No 38 (2020) on trafficking in women and girls in the context of global migration*. November 20, 2020, para. 25.

³⁹⁶ See: IACHR. *Audiencia regional sobre protección de personas en movilidad humana en Centro y Norteamérica. La situación de personas migrantes, refugiadas y retornadas*, 181st Period of Sessions of the IACHR, October 26, 2021

³⁹⁷ UN. *La Agencia de la ONU para los Refugiados solicita ayuda urgente para un millón de desplazados centroamericanos*. May 15, 2021; The Intercept. *Despite U.S. Asylum Ban, Honduran Women Fleeing Violence Remain Undeterred*. October 8, 2019; UNHCR. *Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*. October 2015.

³⁹⁸ Ministerio de Justicia y Seguridad Pública, Gobierno de El Salvador. *Caracterización de la Movilidad Interna a Causa de la Violencia en El Salvador, Informe Final*. March 2018, pg. 23.

³⁹⁹ Inter-American Development Bank (IDB). *La migración desde una perspectiva de género: ideas operativas para su integración en proyectos de desarrollo*. [Link goes to Mafia of the Poor article of the International Crisis Group.] March 2021; Ministry of Foreign Affairs of El Salvador. *Mujeres, niñez y migración: La experiencia de El Salvador*. Reunión extraordinaria de la Mesa Directiva de la Conferencia Regional sobre Población y Desarrollo. November 7-9, 2017; El Faro. *Mujeres que Migran*. December 17, 2019; Willers, Susanne. *Migración y Violencia: Las Experiencias de Mujeres Migrantes Centroamericanas en Tránsito por México*. *Sociológica (Mex.)* Vol. 31 No. 89. 2016.

⁴⁰⁰ Ministry of Foreign Affairs of El Salvador. *Mujeres, niñez y migración: La experiencia de El Salvador*. Reunión extraordinaria de la Mesa Directiva de la Conferencia Regional sobre Población y Desarrollo. November 7-9, 2017; El Faro. *Mujeres que Migran*. December 17, 2019.

groups or engage in illicit activities on their behalf⁴⁰¹. Furthermore, extortion, the main economic engine of criminal groups in the region, “is one of the leading causes of forced displacement in gang-controlled communities through the threat it poses to powerless civilians, especially women and children⁴⁰²”. In fact, in numerous accounts received by UNHCR, women in Honduras, Guatemala, and El Salvador say they are victims of extortion by criminal groups. Many of them say they have been compelled to move or migrate outside the country after being threatened or assaulted to pay “rent” or taxes on the income they receive from their economic activities or to pay it for relatives who have emigrated⁴⁰³.

135. Furthermore, the information received is consistent in indicating that, in addition to organized crime and gang activities, gender-based violence, including that perpetrated by criminal groups, is driver of the forced displacement of women and girls and the families that accompany them⁴⁰⁴. Here, the Commission notes that many leave their homes to flee the gender violence perpetrated by criminal groups, particularly that associated with abusive, violent, or forced relationships with gang members⁴⁰⁵. Accounts received by UNCHR confirm this situation⁴⁰⁶. For example:

⁴⁰¹ UNHCR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico](#). October 2015.

⁴⁰² International Crisis Group. [Mafia of the Poor: Gang Violence and Extortion in Central America](#), Report No. 62 – Latin America & Caribbean, April 6, 2017.

⁴⁰³ UNHCR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico](#). October 2015.

⁴⁰⁴ IACHR. [Internal Displacement in the Northern Triangle of Central America. Public Policy Guidelines](#). OEA/Ser.LV/II. Doc.101. July 27, 2018, para. 33; IACHR. 2018 Annual Report. [Chapter V. Follow-up of Recommendations Issued by the IACHR in Its Country Thematic Reports. The Human Rights Situation in Guatemala](#). 2018, pg. 658; IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 209; IACHR. Press Release 17/18. [IACHR Has Concluded its visit to Honduras and Presents its Preliminary Observations](#). August 3, 2018. In this regard the CEDAW Committee has recognized that violence against women and girls is one of the main forms of persecution that they endure and can therefore be a reason to grant them refugee status and asylum or residence permits for humanitarian reasons. CEDAW. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020, para. 25. See also: UNHCR. [UNHCR urges more effective action against gender-based violence in the north of Central America](#). December 6, 2021; UNHCR. [¿Es el desplazamiento forzado otro ejemplo de la feminización de la violencia en Honduras? Investigación sobre violencia sexual y femicidios como causas del desplazamiento forzado](#). September 22, 2021, pg. 47.; NBC News. [Sexual, Gender Violence Driving Central American Youths to Flee Their Countries](#). May 4, 2017

⁴⁰⁵ International Crisis Group. [Mafia of the Poor: Gang Violence and Extortion in Central America](#). Report N°62, April 6, 2017. In this regard, following her visit to El Salvador, the Special Rapporteur on the human rights of internally displaced persons stated, “Street gangs pose a constant threat to young women and girls, who are particularly vulnerable to threats, intimidation and violence. Sexual violence by gangs is commonplace, and high levels of femicide have been reported. The general risk to girls from the gangs leads many families to leave. For those who remain and become voluntarily or through coercion associated with gang activities, this can result in violence or prison for some.” See: Report of the Special Rapporteur on the human rights of displaced persons on her visit to El Salvador, A/HRC/38/39/Add.1, April 23, 2018, para. 27.

⁴⁰⁶ CIDEHUM and UNHCR. [Forced Displacement and Protection Needs produced by New Forms of Violence and Criminality in Central America](#). May 2012.

“He said that no woman had ever turned him down and if I refused to be his “girlfriend”, he would kill me and my family. I didn’t want to leave home, but after that, we couldn’t stay; we left for Mexico in the middle of the night.” – Account of Sara, a Salvadoran girl⁴⁰⁷.

“Gangs treat women much worse than men. They want us to become members but make us be gang members’ ‘girlfriends’ by threatening us, and it’s never just sex with one of them; it’s forced sex with all of them. Women are raped by them, tortured by them, and abused by them.” – Account of Nelly, a Honduran girl.⁴⁰⁸

136. The reasons for displacement in the particular case of LGBTI women in El Salvador and Honduras, include the abuse, intimidation, and violence they experience because of their sexual orientation, gender expression, and/or gender identity⁴⁰⁹. In this regard, the IACHR has been informed that trans women, who are stigmatized and discriminated against in different areas of their daily lives due to patriarchal societal norms, are especially vulnerable to violence, persecution, and extortion at the hands of gangs⁴¹⁰.

⁴⁰⁷ The Guardian. [It's a crime to be young and pretty: girls flee predatory Central America gangs](#). November 23, 2016.

⁴⁰⁸ UNHCR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico](#). October 2015.

⁴⁰⁹ According to UNHCR, 88% of LGBTI asylum-seekers and refugees from the Northern Triangle interviewed for this study reported having experienced sexual and gender violence in their countries of origin. See: Amnesty International. [Sin Lugar que me Proteja: Solicitantes de Asilo en Mexico por Razón de su Orientación Sexual y/o Identidad de Género Provenientes de El Salvador, Guatemala y Honduras](#). October 2017, pg. 7.

⁴¹⁰ Equipo de Reflexión, Investigación, and Comunicación (ERIC); Casa Alianza Honduras; Red Lésbica Cattrachas; Asociación Pop Noj; Comunicando y Capacitando a Mujeres Trans con VIH en El Salvador (COMCAVIS); Instituto de Derechos Humanos de la Universidad Centroamericana José Simeón Cañas (IDHUCA); Asociación Salvadoreña por los Derechos Humanos (ASDEHU); el Centro por la Justicia y el Derecho Internacional (CEJIL), and Amnesty International. Request for a Thematic Hearing during the IACHR’s 164th Period of Sessions on: “The invisible crisis of migrants, refugees, or asylum-seekers returned to the Northern Triangle of Central America”. May 31, 2017. IACHR archive; Ministry of Foreign Affairs of El Salvador. [Mujeres, niñez y migración: La experiencia de El Salvador](#). Reunión extraordinaria de la Mesa Directiva de la Conferencia Regional sobre Población y Desarrollo. November 7-9, 2017;

137. The IACHR further notes that another reason for the displacement of women and girls in contexts dominated by organized crime is lack of protection from the relevant authorities⁴¹¹. On the one hand, it observes that most women do not report such violence or seek protection from government mechanisms for fear of reprisals by criminal groups and because they distrust the authorities, whom they often consider “corrupt, inept, or collaborating with the illegal groups⁴¹²”. On the other, the information obtained indicates that the few women who do report the violence against them have serious difficulty obtaining protection or assistance, leaving them no option but to abandon their home and move elsewhere in the country or across borders, largely toward the north⁴¹³.
138. In this regard, the available information indicates that the situation is more serious in the case of Indigenous⁴¹⁴ and LGBTI⁴¹⁵ women. Specifically, the Commission has been informed of the particular lack of protection for trans women, who are regularly harassed,

⁴¹¹ IACHR. *Internal Displacement in the Northern Triangle of Central America. Public Policy Guidelines*. OEA/Ser.LV/II. Doc.101. July 27, 2018, para. 29; UNHCR. *UNHCR urges more effective action against gender-based violence in the north of Central America*. December 6, 2021. Furthermore, accounts received by UNHCR indicate that 64% of the 160 women interviewed in El Salvador, Guatemala, Honduras, and Mexico who requested asylum described being “targets of direct threats and attacks by members of armed criminal groups as one of the primary reasons for their flight [...] the women consistently stated that police and other law enforcement authorities were not able to provide sufficient protection from the violence. More than two-thirds tried to find safety by fleeing elsewhere in their own country, but said this did not ultimately help. Sixty per cent of the women interviewed reported attacks, sexual assaults, rapes, or threats to the police or other authorities. All those women said that they received inadequate protection or no protection at all. Forty per cent of the women interviewed for this study did not report harm to the police; they viewed the process of reporting to the authorities as futile.” See: UNHCR. *Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*. October 2015.

⁴¹² Cristosal. *Desplazamiento Forzado Interno en Guatemala*. May 2021; UNHCR. *Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*. October 2015.

⁴¹³ UNICEF. *Death threats and gang violence forcing more families to flee Northern Triangle – UNHCR and UNICEF survey*. December 17, 2020; Pulte Institute for Global Development, University of Notre Dame. *Addressing the Sex and Gender-Based Violence in Guatemala, Honduras and El Salvador Fueling the US Border Crisis: Impunity, and Violence Against Women and Girls*. April 2020, pg. 7; UNHCR, World Vision. *Niñez migrante, un viaje sin derechos*. July 2019; Internal Displacement Monitoring Centre (IDMC), Policy Research Institute. *Cause or Consequence? Reframing violence and displacement in Guatemala*. September 2018; KIND (Kids in Need of Defense), Latin America Working Group, Women’s Refugee Commission. *Sexual and Gender Based Violence (SGBV) & Migration Fact Sheet*. January 2017; UNHCR. *Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*. October 2015. Coordinadora de Instituciones Privadas Por las Niñas, Niños, Adolescentes, Jóvenes y sus derechos (COIRPODEN), Coordinadora de Promoción de los Derechos de la Niñez (COPRODENI) Guatemala, Red de Infancia y Adolescencia de El Salvador (RIA). *Reports of violations of the human rights of migrant children and adolescents in Central America, Mexico, and the United States, request for a hearing during the IACHR’s 173rd Period of Sessions*. IACHR archive; Red por los derechos de la Infancia en México, *Seropis violations of the human rights of migrant children and adolescents in Central America, Mexico, and the United States, request for a hearing during the IACHR’s 173rd Period of Sessions*. IACHR archive.

⁴¹⁴ Stephen, Lynn. *Violencia transfronteriza de género y mujeres indígenas refugiadas de Guatemala*. Revista CIDOB d’ Afers Internacionals, No. 117. 2017.

⁴¹⁵ UNHCR. *Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*. October 2015.

intimidated, and assaulted by police personnel and government authorities. Moreover, when they are crime victims, they encounter serious obstacles to accessing justice from law enforcement authorities, who discriminate against them and rarely investigate their cases, ultimately increasing their risk and lack of protection⁴¹⁶.

Risks and consequences of the forced internal and international displacement of women and girls

139. From the point of origin, through the journey, to the destination and return, the migration process entails numerous risks for all people in situations of human mobility⁴¹⁷, whether displaced in their own country or migrating to other countries⁴¹⁸. In this regard, the Commission has expressed its grave concern about the situation of migrant women, who because of their gender, are highly vulnerable to different forms of violence along the migration path⁴¹⁹.
140. According to the available information, women migrants have been victims of physical violence; sexual violence, including rape; disappearances; kidnapping; murder; or have been threatened with them. Furthermore, the information gathered indicates that migrant flows also fuel criminal human trafficking networks and in more than a few cases, someone

⁴¹⁶ Equipo de Reflexión, Investigación y Comunicación (ERIC); Casa Alianza Honduras; Red Lésbica Cattrachas; Asociación Pop Noj; Comunicando y Capacitando a Mujeres Trans con VIH en El Salvador (COMCAVIS); Instituto de Derechos Humanos de la Universidad Centroamericana José Simeón Cañas (IDHUCA); Asociación Salvadoreña por los Derechos Humanos (ASDEHU); el Centro por la Justicia y el Derecho Internacional (CEJIL), and Amnesty International. Request for a thematic hearing during the IACHR's 164th Period of Sessions: "The invisible crisis of migrants, refugees, or asylum-seekers returned to the Northern Triangle of Central America". May 31, 2017. IACHR archive.

⁴¹⁷ In this regard, the Commission has noted that migrants are often victims of various human rights violations, including kidnapping, sexual violence, robbery, disappearances, and human trafficking. IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.LV/II. Doc. 146. August 27, 2019, para. 317; IACHR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico.](#) OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 233.

⁴¹⁸ UNHCR. [Displacement in Central America](#). Undated.; International Organization for Migration (IOM). [Derechos humanos de personas migrantes - Manual Regional](#). February 28, 2019.

⁴¹⁹ IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#) OEA/Ser.LV/II. Doc.46/15. December 31, 2015, para. 32. Likewise, see: CEDAW Committee. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020, para. 25. See also: International Organization for Migration (IOM). [Derechos humanos de personas migrantes - Manual Regional](#). February 28, 2019.

who begins their journey as a migrant ends up a trafficking victim⁴²⁰ – a situation to which women and girls are especially exposed⁴²¹.

141. The IACHR observes with great concern that the risk of falling victim to sexual violence is a constant in the displacement of women and girls. Numerous accounts by women who migrate north coincide in stating that it is usual to employ protective strategies, such as dressing like a man or using contraceptives before and during their journey, given the high probability of being sexually assaulted⁴²². Moreover, numerous reports containing their accounts indicate that they have been assaulted, forced into prostitution, or compelled to perform sex acts in exchange for protection, transportation, or shelter⁴²³. The following are examples of some accounts:

A guide for a group of migrants [from Honduras] separated an adolescent girl who was traveling alone and repeatedly raped her over the course of five days. Another man offered to help a woman who was crossing a river and then raped her in front of her 2-year-old son⁴²⁴.

A woman from Guatemala who was traveling with her daughter said that the coyote raped her every day of her 20-day journey. She said that the coyote offered her a reduced smuggling fee if she continued having sex with him. She agreed because she feared he would kill or rape them⁴²⁵.

⁴²⁰ Save the Children. [Violencia y trata de personas en Centroamérica: oportunidades de intervención regional](#). 2012.

⁴²¹ CEDAW. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020, para. 25. In this regard, the Committee has held that trafficking in women and girls violates specific provisions of the Convention on the Status of Refugees and should therefore be recognized as a legitimate reason for invoking international protection in law and practice in specific cases.

⁴²² UNHCR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico](#). October 2015.

⁴²³ Pulte Institute for Global Development, University of Notre Dame. [Addressing the Sex and Gender-Based Violence in Guatemala, Honduras and El Salvador Fueling the US Border Crisis: Impunity, and Violence Against Women and Girls.](#) April 2020, pg. 4. Similarly, the CEDAW Committee has stated that migration and displacement heighten women's vulnerability to various forms of exploitation, especially at transit points, at the very least because of the greater need to use the services of human traffickers or other types of clandestine or criminal networks to travel internally or internationally to evade border checkpoints. CEDAW. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020.

⁴²⁴ The Advocates for Human Rights, The International Action Network on Small Arms (IANSA), CLADEM Honduras, [Joint Submission](#), Examen Periódico Universal, Honduras, 22nd Session, May 2021. para.19.

⁴²⁵ UNHCR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico](#). October 2015, pg. 43

“In Guatemala, the police made everyone get off the bus and robbed one of the migrants. The rest of us voluntarily paid. Then five police officers took a good-looking girl off the bus. We were pretty sure they took her off to rape her”⁴²⁶.

142. The Commission further notes that, in addition to controlling access to borders from Honduras and El Salvador, organized crime groups and networks control many of the territories and routes traveled by people migrating north. According to the available information, many local gangs are affiliated with more powerful transnational criminal organizations, especially in Guatemala and the Mexico-Guatemala border. As a result, women and girls fleeing violence once again find themselves facing the risk and vulnerability they were attempting to escape – this time exacerbated by their displaced person status⁴²⁷, often finding themselves compelled to resort to these criminal groups to facilitate their journey⁴²⁸.
143. In addition to exposing women and girls to a greater risk of different forms of gender violence, forced displacement has profound economic and social repercussions for their lives, due to their gender and other vulnerability factors. In this regard, the heightened vulnerability of displaced persons is reinforced by their rural origins and, in general, heavily impacts women, who are often heads of household. In the particular case of girls, displacement caused by violence and threats from organized crime has serious mental health implications and adversely affects their life plans⁴²⁹. Here, it should be noted that leaving their home means changing schools and, in many cases, dropping out⁴³⁰. Furthermore, displacement entails extraordinary expenses and the loss of income for

⁴²⁶ UNHCR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico](#). October 2015, pg. 43.

⁴²⁷ International Displacement Monitoring Centre. [Cause or Consequence? Reframing violence and displacement in Guatemala](#). September 2018, pg. 28; The Guardian. [It's a crime to be young and pretty: girls flee predatory Central America gangs](#). November 23, 2016

⁴²⁸ Stephen, Lynn. [Fleeing rural violence: Mam women seeking gendered justice in Guatemala and the U.S.](#) The Journal of Peasant Studies. December 14, 2018; Coordinadora de Instituciones Privadas Pro las Niñas, Niños, Adolescentes, Jóvenes y sus Derechos (COIPRODEN), World Vision Honduras, Aldeas Infantiles SOS de Honduras, Coordinadora de Promoción de Derechos de Niñez (COPRODENI) Guatemala, Red de Infancia y Adolescencia de El Salvador (RIA). Annex to the request for a thematic hearing during the IACHR's 174th Period of Sessions, entitled “Thematic Report of Guatemala, Honduras, and El Salvador to the Inter-American Commission on Human Rights, IACHR”. October 9, 2019. IACHR archive.

⁴²⁹ The Guardian. [It's a crime to be young and pretty: girls flee predatory Central America gangs](#). November 23, 2016.

⁴³⁰ According to the Ministry of Education, 66,000 girls changed schools or dropped out in El Salvador in 2014 and 2015. See also: The Guardian. [It's a crime to be young and pretty: girls flee predatory Central America gangs](#). November 23, 2016.

households, requiring girls to work to support their family or spend their time doing household chores⁴³¹.

144. Furthermore, displacement is often accompanied by the breakdown of community and family ties, as well as the need to secure new livelihoods and means of protection. Added to this is the problem of lack of knowledge or skills to find other formal employment and sources of income, together with discrimination and exploitation in hiring⁴³², requiring women, especially displaced Indigenous or LGBTI women, to grapple with additional forms of discrimination⁴³³. This may put many girls and women in these situations at serious risk of entering into or continuing abusive relationships, not to mention becoming the victims of labor or sexual exploitation⁴³⁴. The IACHR notes in particular that the potential for abuse, especially in the case of single women or mothers lacking economic means or family contacts, is high and includes the risk of falling prey to human trafficking⁴³⁵.

145. In this regard, the Commission has learned that El Salvador and Honduras officially recognize internal forced displacement⁴³⁶ and have taken action to protect the rights of internally displaced persons. In El Salvador, the “Special Law for Comprehensive Support and Protection of People in Situations of Internal Forced Displacement⁴³⁷” led to the creation of the Internal Forced Displacement Unit, which provides particular support to women and girl victims of physical, sexual, and psychological violence⁴³⁸. Still absent,

⁴³¹ Save the Children. [In the Crossfire: The impact of mara and pandilla gang violence on education in the Northern Triangle of Central America](#). July 3, 2019, pg. 51.

⁴³² CEDAW. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020, para. 26.

⁴³³ International Displacement monitoring Centre. [Cause or Consequence? Reframing violence and displacement in Guatemala](#). September 2018, pg. 24.

⁴³⁴ International Displacement monitoring Centre. [Cause or Consequence? Reframing violence and displacement in Guatemala](#). September 2018, pg. 24.

⁴³⁵ Human Rights Council. [Report of the Special Rapporteur on the human rights of internally displaced persons on her visit to El Salvador](#). A/HRC/38/39/Add.1, April 23, 2018, para. 26

⁴³⁶ The State of Honduras has the Inter-institutional Commission for the Protection of Persons Displaced by Violence (CIPPDV), founded in 2013 to devise policies and measures to prevent displacement. In January 2020, the Salvadoran authorities passed the Special Law for the Comprehensive Support and Protection of People in Situations of Internal Forced Displacement, which gave rise to the National System for the Comprehensive Support and Protection of Internally Displaced Persons. However, that system has yet to get off the ground. These entities have national jurisdiction and as yet, there are no regional agencies that address this issue, See: Cristosal. [Desplazamiento Forzado Interno en Guatemala](#). May 2021.

⁴³⁷ El Salvador. [Ley especial para la atención y protección integral de personas en condición de desplazamiento forzado interno](#). January 23, 2020

⁴³⁸ Portal de Transparencia PGR. [Unidad de Desplazamiento Forzado Interno](#). 2021

however, is a framework for protection that includes safe temporary shelters, especially for internally displaced women and girls at risk of violence⁴³⁹.

146. In the case of Honduras, the IACHR notes the promulgation of the Executive Decree of the Interinstitutional Commission for the Protection of Persons Displaced by Violence⁴⁴⁰. In 2020, Secretariat of Human Rights created the Office for the Protection of Persons Internally Displaced by Violence to provide such people with humanitarian assistance and protection⁴⁴¹. The Commission notes that Guatemala, in contrast, has not officially recognized internal displacement, making it hard to introduce measures to support people internally displaced by violence⁴⁴².
147. In light of this, the Commission recalls that forced displacement is a continuing and multiple violation of human rights, resulting in the duty of the States to introduce policies, laws, and all necessary measures to ensure comprehensive protection for the people affected, employing a holistic human rights approach in keeping with international standards, including the Guiding Principles on Internal Displacement⁴⁴³. In the case of women and girls, this action must consider their specific needs based on their gender and other intersectional factors that expose them to greater vulnerability at all stages of the displacement cycle. Thus, in contexts dominated by organized crime, the measures adopted to protect forcibly displaced persons should take into account the influence of criminal groups in the causes of displacement and the specific risks they pose to protecting the rights of displaced women and girls.
148. In addition, the IACHR has expressed its concern about the heightened insecurity and serious risk of violations of the human rights of women, children, and adolescents as a result of restrictive immigration policies and the criminalization of migration, which has

⁴³⁹ Human Rights Council. [Report of the Special Rapporteur on the human rights of internally displaced persons on her visit to El Salvador](#), A/HRC/38/39/Add.1, April 23, 2018, para. 59.

⁴⁴⁰ Government of Honduras. Decreto Ejecutivo Número PCM-053-2013. [Crear the Commission Interinstitucional para la Protección de las Personas Desplazadas por la Violencia, la cual tendrá como objeto impulsar la formulación de políticas y la adopción de medidas para la prevención del desplazamiento forzado por la violencia, así como para la atención, protección y soluciones para las personas desplazadas y sus familiares \(2013\)](#). May 25, 2013.

⁴⁴¹ Gobierno de la República de Honduras - Secretaría de Derechos Humanos. [La SEDH brinda atención, asistencia humanitaria y protección a las personas desplazadas internamente](#). June 21, 2021.

⁴⁴² Cristosal. [Desplazamiento Forzado Interno en Guatemala](#). May 2021. Citing the Observatory of Internal Displacement. Vacíos de datos sobre el desplazamiento interno causado por violencia en El Salvador, Guatemala y Honduras, 2019. See also: Dirección de Investigación en Derechos Humanos – Guatemala. [Contribución del Procurador de los Derechos de Guatemala sobre “el nexo entre los desplazamientos forzados y las formas contemporáneas de esclavitud” en ocasión del 48o período de sesiones del Consejo de Derechos Humanos de las Naciones Unidas](#). March 2021.

⁴⁴³ IACHR. [Situation of human rights in El Salvador](#). OEA/Ser.LV/II. Doc. 278. October 14, 2021, paras. 267 and 268.

resulted in the proliferation of unsafe informal border crossing points⁴⁴⁴. Here, it notes that the gender-neutral provisions of the States' migration policies contribute to the exacerbation of risks and limitations on women's access to safe migration routes⁴⁴⁵. Therefore, pursuant to the obligations contained in the Convention of Belém Do Pará, the States must take special account of the heightened vulnerability of women to violence by reason of their status as migrant women⁴⁴⁶. Moreover, among people on the move, women and girls are in situations of particular vulnerability and require special protection due to their gender⁴⁴⁷. In this regard, the Commission reiterates that effective protection of the rights of migrant women and girls requires a comprehensive approach from a gender and migrants' rights perspective. Furthermore, in the case of migrant girls, priority must be given to the specific obligations that follow from their status as children⁴⁴⁸.

G. Human trafficking

149. As United Nations officials note, human trafficking is the third most profitable illegal activity in the world. It is a complex crime committed in multiple domestic and international scenarios by organized criminal groups with resources and transnational operating capabilities. It involves numerous actors, including families, local intermediaries, international crime networks, and immigration authorities, and is linked with various types of organized crime, such as

⁴⁴⁴ IACHR. Press Release 27/20. [IACHR Urges El Salvador, Guatemala, Honduras, and Mexico to Guarantee the Rights of Migrants and Refugees Traveling Through the Region](#). February 7, 2020.

⁴⁴⁵ CEDAW. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020, para. 26. The IACHR has pointed out that the violence and discrimination endured by migrant women has historically not figured in the public agenda and judicial systems of the countries of the hemisphere. IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#). OEA/Ser.LV/II. Doc.46/15. December 31, 2015, para. 32.

⁴⁴⁶ OEA. [Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, known as the Convention of Belém do Pará](#). Articles 7, 8, and Chapter III on the duties of the States. In this same vein, the CEDAW Committee has stated that gender-based violence against women is influenced and often exacerbated in contexts of displacement and migration. CEDAW. [General recommendation No. 35 \(2017\) on gender based violence against women, updating general recommendation No. 19 \(1992\)](#). July 26, 2017.

⁴⁴⁷ IACHR. Press Release No. 37/19. [IACHR Urges Honduras and Guatemala to Guarantee the Rights of People in the Migrant and Refugee Caravan](#). February 19, 2019; IACHR. [IACHR expresses concern over the situation of the "Migrant Caravan" from Honduras and calls on the States of the Region to adopt measures for their protection](#). October 23, 2018.

⁴⁴⁸ IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#). OEA/Ser.LV/II. Doc.46/15. December 31, 2015, para. 33. See also: United Nations General Assembly. [Resolution A/RES/54/166 on "Protection of migrants"](#). February 24, 2000.

narcotrafficking, illicit arms trafficking, and migrant trafficking⁴⁴⁹. In this scenario, the IACHR observes that most human trafficking victims are women and children⁴⁵⁰.

150. In the Central American countries, the poverty, exclusion, violence, and psychological and emotional vulnerability of victims is fertile ground for human trafficking as both a social phenomenon and a crime⁴⁵¹. Here, the IACHR notes that, according to the information gathered, the Central America and Caribbean region has the highest rates of identified human trafficking victims per 100,000 population of any region in the world. Some 79% of trafficking victims in this region are women and girls. These latter represent the majority of sexual exploitation victims identified⁴⁵².
151. Given its transnational nature, trafficking has similar characteristics in the countries of this region but particular expressions in each. According to the available information, from a regional standpoint, Central America is primarily a region for the recruitment of victims who follow the migration route toward northern destinations in the hemisphere, such as Mexico, the United States, and to a lesser degree, Canada, as well as Europe. However, Central America is also a locus for the recruitment, transit, and exploitation of trafficking victims among the countries of the region for various purposes. This means that all these countries have cases of domestic and international trafficking in which the crimes are committed chiefly for the purpose of commercial sexual exploitation, labor exploitation, and sexual tourism. In Guatemala, it manifests as irregular adoptions, and in Honduras, as organ and tissue harvesting⁴⁵³.
152. In this complex scenario marked by different actors, including agents of the State, operating outside the law and across Central American borders, the Commission has been advised of the difficulty obtaining accurate information about the real scope of the human trafficking phenomenon in the region⁴⁵⁴. If the problem of human trafficking is generally characterized by a lack of information and accurate statistics, obtaining detailed and

⁴⁴⁹UNODC. [Global Report on Trafficking in Persons 2020](#). January 2021; UNHCR. [Trafficking in persons](#). Undated; UN Women. [Ending violence against women: From words to Action. Study of the Secretary-General](#). 2006.

⁴⁵⁰ UN Women. [Ending violence against women: From words to Action. Study of the Secretary-General](#) 2006, pg. 51.

⁴⁵¹ Save the Children. [Violencia y trata de personas en Centroamérica: oportunidades de intervención regional](#). 2012.

⁴⁵² UNODC. [Global Report on Trafficking in Persons 2020](#). January 2021.

⁴⁵³ Save the Children. [Violencia y trata de personas en Centroamérica: oportunidades de intervención regional](#). 2012.

⁴⁵⁴ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; KIND. [Neither Security nor Justice: Sexual and Gender-based Violence and Gang Violence in El Salvador, Honduras, and Guatemala](#). May 2017.

truthful up-to-date information on the commission of this crime by criminal groups in these countries is an even greater challenge⁴⁵⁵.

153. In this regard, according to the available information in the Northern Triangle countries of Central America, gang activities include human trafficking, especially for the sexual and labor exploitation of women and girls⁴⁵⁶. Furthermore, as noted earlier, local gangs are connected with more powerful transnational criminal groups, such as cartels from other countries in the region or criminal groups trafficking in merchandise, drugs, arms, and migrants⁴⁵⁷.

154. In addition, the criminal gangs operating in these territories rely basically on coercion and force to maintain control over women and girls and compel them to provide services to the organization⁴⁵⁸. In Guatemala, for example, two girls were rescued by the National Civil Police when they were about to be transferred to El Boquerón jail to be raped by a prisoner⁴⁵⁹. Furthermore, women and girls are given the job of dealing drugs, transporting arms, participating in extortion, spying on rival gangs, and monitoring the points of entry to gang territory, looking for police and people outside the community. For example, in the Magdalena case in Honduras, identified by *Tribuna de Mujeres Gladys Lanza*⁴⁶⁰:

“a girl was a victim of forced recruitment by the Barrio 18 gang, which abducted her from her home, forced her to have sex with every member of the gang, and serve as a bandera 461. After her family rescued her, they decided to send her out of the country, due to the absence of protection and assistance by State authorities. Magdalena, who was pregnant after the multiple rapes, traversed the migration route, but was

⁴⁵⁵ UN Women. [Ending violence against women: From words to Action. Study of the Secretary-General](#). 2006, pg. 51.

⁴⁵⁶ IACHR. [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278. October 14, 2021, para. 45.

⁴⁵⁷ Boerman, Thomas and Golob, Adam. [Gangs and Modern-Day Slavery in El Salvador, Honduras and Guatemala: A Non-Traditional Model of Human Trafficking](#). *Journal of Human Trafficking*. March 16, 2020.

⁴⁵⁸ Boerman, Thomas and Golob, Adam. [Gangs and Modern-Day Slavery in El Salvador, Honduras and Guatemala: A Non-Traditional Model of Human Trafficking](#). *Journal of Human Trafficking*. March 16, 2020; OHCHR. [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences](#), Gulnara Shahinian. *AHRC/24/43*. July 1, 2013.

⁴⁵⁹ Red Contra la Trata de Personas - Guatemala. [La Trata de Personas en Guatemala: Mirada desde la Sociedad Civil](#). 2020, paras. 13 onward.

⁴⁶⁰ *Tribuna de Mujeres Gladys Lanza*, Lawyers without Borders Canada, ECPAT Guatemala, Save the Children, Main points of the presentation in the thematic hearing on the human rights situation of human trafficking victims in the Northern Triangle of Central America, during the IACHR's 178th Period of Sessions. September 2020. IACHR archive.

⁴⁶¹ Term referring to people who watch and report to the gang on the movements and traffic of people on certain streets, a lookout.

assaulted again in Mexico by the coyote who was transporting her. This victim lost her baby and is currently being exploited in that country”⁴⁶².

155. It is common knowledge that girls are often abducted by these criminal groups from schools under their control and influence⁴⁶³. There are numerous cases of recruitment due to gang members “falling in love,” in which the girls are later exploited by the gang⁴⁶⁴. Moreover, girls who are unaccompanied or have been separated from their family or other support systems as a result of forced displacement are especially vulnerable to trafficking⁴⁶⁵. The Commission learned, for example, about the case of two Salvadoran girls aged 14 and 16 who were brought to Guatemala by a human trafficker who promised them work in a restaurant. When they arrived in Guatemala, they were taken to a high-security prison, where they were raped by imprisoned gang members in exchange for payment to the gang⁴⁶⁶.
156. The Commission recalls that human trafficking as a both concept and a crime has been redefined in the universal setting, clearly differentiating it from migrant trafficking. While the terms “human trafficking” and “migrant trafficking” have often been used interchangeably, they refer to different situations. The IACHR therefore points out that the main objective of human trafficking is the exploitation of people, and for this crime to be committed, it is not essential for people to cross borders⁴⁶⁷. In this framework, human trafficking consists of using people for the traffickers’ own benefit, such that the exploitation includes, at a minimum, exploitation of the prostitution of others or other

⁴⁶² Case in the files of Asociación Calidad de Vida.

⁴⁶³ KIND. [Neither Security nor Justice: Sexual and Gender-based Violence and Gang Violence in El Salvador, Honduras, and Guatemala](#). May 2017.

⁴⁶⁴ Comisión Interinstitucional contra la Explotación Sexual Comercial y Trata de Personas (CICESCT). [Informe anual - Denuncias, Investigaciones, Judicializaciones y Sanciones Penales](#). 2015, pg. 40.

⁴⁶⁵ CEDAW. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020.

⁴⁶⁶ KIND. [Neither Security nor Justice: Sexual and Gender-based Violence and Gang Violence in El Salvador, Honduras, and Guatemala](#). May 2017, pp. 6-7

⁴⁶⁷ UNHCR. [Trafficking in persons](#). Undated.

forms of sexual exploitation, forced labor or services, slavery or slavery-like practices, servitude, or the removal of organs⁴⁶⁸.

157. In this regard, the Commission observes that in recent years, the States of Central America's Northern Triangle have made efforts to investigate and prosecute traditional forms of human trafficking and taken steps to offer protection and services to victims of this crime, considering, moreover, the children's rights approach. In this regard, the IACHR has learned about the signing of a trilateral agreement by the vice presidents of El Salvador, Guatemala, and Honduras to strengthen international coordination to handle human trafficking cases⁴⁶⁹. It has also noted progress in the adoption of regulatory frameworks to address this crime⁴⁷⁰;

⁴⁶⁸ To determine the scope of human trafficking/trafficking in persons in the Inter-American System, the Commission considers it relevant to consider the definition provided in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, also known as the "Palermo Protocol." The definition of trafficking in persons has three elements: 1) acts, 2) means used to commit the acts, and 3) motive. The Palermo Protocol defines trafficking in persons as "the recruitment, transportation, transfer, harboring, or receipt of persons [acts] by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person [means] for the purpose of exploitation [motive]." This includes "the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." See: [IACHR. Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico](#). OEA/Ser.L/V/II. Doc. 48/13. December 30, 2013, para. 348, citing the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime, Article 3.a.; [IACHR. Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#). OEA/Ser.L/V/II. Doc 46/15. December 31, 2015, para. 220.

⁴⁶⁹ U.S. Department of State. [2021 Trafficking in Persons Report- Guatemala](#). June 2021.

⁴⁷⁰ For example, in El Salvador, the IACHR has information about a law being studied to regulate the trafficking in persons as a replacement for the special law enacted in 2014 to make progress in fighting this crime. It also has a law to fight organized crime and complex crime, creating special courts for these cases. See: [Asamblea Legislativa, El Salvador. A estudio una nueva Ley para regular la trata de personas](#). December 7, 2020; [El Salvador. Decreto No. 190 - Ley contra el crimen organizado y delitos de realización compleja](#). February 5, 2015. The Commission observes, however, that the law covers homicide, kidnapping, and extortion, ignoring other illicit activities of these groups. See: [IACHR. 2020 Annual Report. Chapter IV.A. Human Rights Development in the Region](#), para. 356; [IACHR. Public Hearing "Situación de los Derechos Humanos de las Víctimas de Trata de Personas en la Región"](#), 178th Period of Sessions. December 3, 2020.

national plans⁴⁷¹; the implementation of interinstitutional coordination mechanisms⁴⁷²; the development of special programs and models of care⁴⁷³; training sessions for judicial personnel, members of the security forces, immigration personnel, and municipal government leaders, both male and female⁴⁷⁴; as well as the implementation of prevention and victim assistance mechanisms⁴⁷⁵. In the case of Honduras, the IACHR has also learned

⁴⁷¹ In Honduras, see: Plan de Acción Nacional contra la Explotación Sexual Comercial y Trata de Personas 2016-2020, Plan Estratégico 2018-2027, and Plan Operativo 2018-2019 para combatir la trata de personas y el tráfico ilícito de personas migrantes. See: IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.LV/II. Doc. 146. August 27, 2019, para. 33.

⁴⁷² In **Guatemala**, the Institutional Coordination Office to Fight Labor Exploitation and Child Labor (CICELTI) was created in 2019 to establish mechanisms for the interinstitutional coordination of human trafficking cases in its modalities of labor exploitation and forced labor. It is comprised of the Ministry of Labor and Social Welfare (MINTRAB), the Office of the Attorney General (PGN) through the Ombudsman's Office for Children and Adolescents, the Public Ministry, and the Secretariat to Combat Sexual Violence, Exploitation, and Human Trafficking (SVET). See: Procurador de los Derechos Humanos. [Informe Anual Circunstanciado de Actividades y Situación de los Derechos Humanos 2020](#). 2021, pg. 200. As for **Honduras**, the Commission notes the existence of the Interinstitutional Commission to Fight Sexual and Commercial Exploitation and Human Trafficking (CICESCT), whose purpose is to combat human trafficking and provide assistance to victims. In this regard, see: CICESCT. [Comisión Interinstitucional contra la Explotación Sexual Comercial y Trata de Personas](#). 2021; La Gaceta, Honduras. [Decreto No. 059-2012](#), issued July 6, 2012. The Commission also notes the existence of other actors involved in this work, such as the Human Rights Commission, the Office of Children, Adolescents, and Family (DINAF) and entities of the Secretariat for Security, the Transnational Investigation Unit (UTIC) and the Special Crimes section of the Police Investigation Office (DPI). In this regard, see: OEA, CICESCT and Secretariat of Security of Honduras. [Catálogo de Instituciones con Servicios Disponibles para Víctimas de Trata de Personas en Honduras](#). December 4, 2019.

⁴⁷³ In Guatemala, the Comprehensive Support Model for Child and Adolescent Victims of Sexual Violence, Exploitation, and Human Trafficking was created in 2020 under the Secretariat of Social Welfare's (SBS) Special Program for Child and Adolescent Victims of Sexual Violence, Sexual Exploitation and Human Trafficking to establish pathways and procedures for sheltering, protecting, and providing specialized support for trafficking victims and to guarantee the restoration of their rights with a culturally appropriate gender approach. See: Procurador de los Derechos Humanos. [Informe Anual Circunstanciado de Actividades y Situación de los Derechos Humanos 2020](#). 2021, pg. 204.

⁴⁷⁴ In **Guatemala**, for example, in 2020, the Secretariat to Combat Sexual Violence, Exploitation, and Human Trafficking (SVET) organized trainings on this topic. See: U.S. Department of State. [2021 Trafficking in Persons Report- Guatemala](#). June 2021. In **Honduras**, training and awareness-raising activities were held for groups at high risk of trafficking and potential first responders through online platforms, as was CICESCT training on sexual exploitation, trafficking, and violence against women and girls for staff from the Secretariat for Human Rights (SEDH). See: U.S. Department of State. [2021 Trafficking in Persons Report- Honduras](#). June 2021. Secretariat for Human Rights, Honduras. [Personal técnico de la SEDH son capacitados en el tema explotación sexual, trata y violencia contra las mujeres y las niñas](#). January 19, 2021.

⁴⁷⁵ Guatemala has the Prevention of Human Trafficking Unit under the Office of Defenders and Specialized Units of the Ombudsman's Office (PDH), created and called the Ombudsman's Office for Human Trafficking Victims since 2013, whose purpose is to comprehensively tackle the scourge of human trafficking and shed light on how this type of crime operates. See: Procurador de los Derechos Humanos, Guatemala. [Defensoría de las Personas Víctimas de Trata](#). 2021.

about action taken to address the causes facilitating the recruitment of girls by organized crime groups⁴⁷⁶.

158. While these are positive developments, the Commission has been informed of deficiencies in addressing other exploitation modalities and purposes in human trafficking, resulting in women and girls who are not considered trafficking victims being denied the benefits of protection and rehabilitation measures and instead, facing criminal prosecution⁴⁷⁷. For example, it has learned of cases in Honduras and Guatemala, where children and adolescents recruited by criminal groups have been criminalized for illicit acts committed because of the exploitation to which they have been subject, instead of being recognized as victims requiring protection⁴⁷⁸. It has also learned of cases of women and girls in El Salvador who, having been subjected to sexual exploitation and forced labor, have been jailed for associating with criminal organizations⁴⁷⁹. In this regard, the Commission takes note of the 2021 amendments to Articles 153 and 154 of the Criminal Code to categorize the illegal use of persons in situations of vulnerability and introduce the possibility of permitting waivers and limited liability for persons who have been used to commit crimes⁴⁸⁰.

⁴⁷⁶ Significantly: strengthening of the Gang Resistance Education and Training Program (GREAT); ii) the creation of the “Honduras Joven”, “Por mi Barrio”, and “Mi Segunda Oportunidad” prevention programs, which offer seed capital to young people in conjunction with the Tegucigalpa Chamber of Commerce; and iii) the strengthening of 65 Youth Outreach Centers (CDAJ) in seven departments of the country to encourage the creative use of free time and provide job training and tutoring. See: IACHR. [Situation of Human Rights in Honduras](#) OEA/Ser.L/V/II. Doc. 146. August 27, para. 57.

⁴⁷⁷ Information provided to the IACHR by ECPAT during the consultation with experts, June 16, 2021; U.S. Department of State. [Trafficking in Persons Report, 20th edition](#), June 2020, pg. 158; Boerman, T. y Knapp. J. [Gang Culture and Violence Against Women in El Salvador, Honduras, Guatemala](#). March 2017, pp. 11-12.

⁴⁷⁸ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR Archive; OBSERVA LA TRATA, Request for a thematic hearing on human trafficking in Latin American during the IACHR’s 165th Period of Sessions, August 3, 2017. IACHR Archive; Lawyers without Borders Canada, Tribuna de Mujeres Gladys Lanza (Honduras), Asociación para la Eliminación de la Explotación Sexual, Pornografía, Turismo y Tráfico Sexual de Niñas, Niños y Adolescentes en Guatemala (ECPAT/Guatemala), and Save the Children (El Salvador). Request for a thematic hearing on violations of the human rights of human trafficking victims in the Northern Triangle of Central America, September 23, 2020. IACHR archive; Save the Children. [Violencia y trata de personas en Centroamérica: oportunidades de intervención regional](#). 2012.

⁴⁷⁹ Lawyers without Borders Canada, Tribuna de Mujeres Gladys Lanza (Honduras), Asociación para la Eliminación de la Explotación Sexual, Pornografía, Turismo y Tráfico Sexual de Niñas, Niños y Adolescentes en Guatemala (ECPAT/Guatemala), and Save the Children (El Salvador). Request for a thematic hearing on violations of the human rights of human trafficking victims in the Northern Triangle of Central America, September 23, 2020. IACHR archive. Likewise, following her visit to El Salvador, the Special Rapporteur on contemporary forms of slavery, its causes and consequences called on the State to avoid the criminalization of women and children who have been forced to become involved in criminal activities. OHCHR. [“Protejan a las víctimas, particularmente a mujeres y niños” – Experta de la ONU sobre esclavitud contemporánea pide a El Salvador](#), April 29, 2016

⁴⁸⁰ Republic of El Salvador. [Observaciones al Proyecto de Informe “El impacto del crimen organizado en las mujeres, niñas y adolescentes en los países del triángulo Norte de Centroamérica”](#), November 7, 2022, pg. 11. IACHR archive.

159. Here, the Commission notes that human trafficking is a complex phenomenon, characterized by lack of knowledge about its scope and impact and failure to adequately address it. There is little understanding of who its main victims are and its differentiated impacts on women and girls. Furthermore, the inability to identify the different types of trafficking victims and their misclassification and potential criminalization remain a challenge, especially for the judicial personnel who have first contact with potential victims⁴⁸¹. This can be verified by the percentage of victims identified, the majority of whom are victims of sexual exploitation⁴⁸². It is therefore essential to improve the ability to identify other exploitation modalities, such as forced labor, slavery, servitude, mendicancy, and forced recruitment into criminal activities⁴⁸³.
160. Furthermore, the available information shows that the statistics in this area are unreliable⁴⁸⁴. Specifically, high underreporting of cases is observed in the countries examined in this report, since very few come to the authorities' attention⁴⁸⁵. In this regard, the IACHR notes that "[T]rafficked women and girl victims rarely report their situation to the authorities and are often unwilling to cooperate with law enforcement officials if identified and rescued. Their reasons include: fear of reprisals from traffickers; lack of trust in the authorities; the belief that the authorities cannot, or will not help; rejection by their families; and lack of opportunities in their home countries⁴⁸⁶". Thus, while the number of trafficking cases and victims reported is

⁴⁸¹ U.S. Department of State. [Trafficking in Persons Report, 20th edition](#). June 2020, pp. 158; U.S. Department of State. [2020 Trafficking in Persons Report: El Salvador](#). 2020; U.S. Department of State. [2019 Trafficking in Persons Report: Honduras \(Tier 2\)](#). 2019.

⁴⁸² U.S. Department of State. [2020 Trafficking in Persons Report: El Salvador](#). 2020; CICESCT. [Informe de País en materia de prevención, atención a víctimas y combate de los delitos de explotación sexual comercial y trata de personas en Honduras](#). 2019, pg. 19; Secretariat to Combat Sexual Violence, Exploitation, and Human Trafficking. [Informe del Estado de Guatemala sobre trata de personas 2019](#). July 2020, pp. 83, 86, and 94.

⁴⁸³ U.S. Department of State. [Trafficking in Persons Report, 20th edition](#). June 2020, pg. 195 (El Salvador), 228 (Guatemala), 240 (Honduras).

⁴⁸⁴ OBSERVA LA TRATA, Request for a thematic hearing on human trafficking in Latin America during the IACHR's 165th Period of Sessions, August 3, 2017. IACHR archive; UN Women. [Ending violence against women: From words to Action. Study of the Secretary-General](#). 2006, pg. 84.

⁴⁸⁵ In **Guatemala**, despite the efforts of the State to identify and investigate human trafficking and provide victim support, there are still few convictions for this crime. For example, in 2019, 23 judgments were handed down, and as of mid-2020 only 5 were related to human trafficking. See: Secretariat to Combat Sexual Violence, Exploitation, and Human Trafficking, Guatemala. [Informe del Estado sobre la Trata de Personas](#). July 30, 2020. In **Honduras**, the government reported that it had investigated 145 cases of alleged human trafficking in 2018, in comparison with 121 cases in 2017 and at least 41 cases in 2016. See: 2020; U.S. Department of State. [2019 Trafficking in Persons Report: Honduras \(Tier 2\)](#). 2019. In **El Salvador**, 2019 witnessed the highest number of convictions, the Attorney General's Office hired 11 new prosecutors to work on human trafficking cases, and the government cooperated with other governments in joint investigations, one of which resulted in a conviction and prison sentence for the trafficker. See: U.S. Department of State. [El Salvador 2020 TIP Report](#). 2020

⁴⁸⁶ UN Women. [Ending violence against women: From words to Action. Study of the Secretary-General](#). 2006, pg. 84.

low, the number of cases prosecuted by the justice systems and the number of traffickers convicted is even lower⁴⁸⁷.

161. At the same time, the IACHR observes with great concern the close connection between human trafficking and corruption in the region⁴⁸⁸. This crime by its very nature requires the collaboration of certain sectors of the State – especially in border areas, at migration checkpoints, among the police, customs officials, etc.⁴⁸⁹ Thus, corruption is an instrument habitually employed by criminal bands⁴⁹⁰ and plays a key role in both ensuring that crime goes undetected and the high incidence of impunity⁴⁹¹; this, in turn, results in many

⁴⁸⁷ Save the Children. *Violencia y trata de personas en Centroamérica: oportunidades de intervención regional*. 2012.; UN Women. *Ending violence against women: From words to Action. Study of the Secretary-General*. 2006, pg. 84. In the case of Honduras, the Commission notes that a new Criminal Code went into effect in 2019 that, while including the definition of these crimes adopted in international law, significantly reduced the sentences for sexual exploitation and human trafficking. In this regard, see: El Sol De Honduras. *Honduras aprueba plan de trabajo 2018-2027 contra la Trata de Personas y Tráfico Ilícito de Migrantes*. 2018; CICESCT. *CICESCT presenta informe “Estado de Situación de la Trata de Personas en Honduras en el 2019”*. March 10, 2020; U.S. Department of State. *2021 Trafficking in Persons Report- Honduras*. June 2021.

⁴⁸⁸ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; OHCHR. Folleto Informativo No. 36. *Los derechos humanos y la trata de personas*. 2014; Lawyers without Borders Canada, Tribuna de Mujeres Gladys Lanza (Honduras), Asociación para la Eliminación de la Explotación Sexual, Pornografía, Turismo y Tráfico Sexual de Niñas, Niños y Adolescentes en Guatemala (ECPAT/Guatemala) and Save the Children (El Salvador), Request for a thematic hearing on violations of the human rights of human trafficking victims in the Northern Triangle of Central America, September 23, 2020. IACHR archive.

⁴⁸⁹ IACHR. *Corruption and Human Rights*. OEA/Ser.LV/II. Doc. 236. December 6, 2019, para. 472.

⁴⁹⁰ Save the Children. *Violencia y trata de personas en Centroamérica Oportunidades de intervención regional*. 2013, pg. 161.

⁴⁹¹ OBSERVA LA TRATA, Request for a thematic hearing on human trafficking in Latin America during the IACHR’s 165th Period of Sessions, August 3, 2017. IACHR archive.

challenges for obtaining adequate redress⁴⁹². According to the information obtained, public servants receive payment in the form of money or sexual services forcibly provided by the victims as a consideration⁴⁹³. The situation is even more complicated when the human trafficking operation is run by the government apparatus.

162. To enable the crime to be committed, public servants create “rings of protection”⁴⁹⁴. The first such ring mainly involves police forces and municipal inspectors, who provide protection for the organizations that control the places where the exploitation occurs⁴⁹⁵. This includes lack of controls on nightclubs, permitting migrant women and children to enter and turning a blind eye to the falsified documentation of victims who have been deceived by human trafficking networks, among other things⁴⁹⁶. A second ring of protection may lie in the judiciary, including among politicians (for example, city mayors). Finally, a third ring may exist when corrupt officials control the criminal enterprise⁴⁹⁷.

⁴⁹² Compensation is a right deriving from the United Nations Convention against Transnational Organized Crime (Palermo Convention) and its protocols. In this regard, specifically in the context of human trafficking, States must ensure that “their domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered”. This means the adoption of domestic measures or mechanisms that ensure effective exercise of the right of human trafficking victims to compensation. As reported to the IACHR, even though the legal frameworks of the three countries examined in this report provide for compensation and for that reason, their human trafficking laws provide for the creation of a fund to comprehensively support and compensate victims, they have not been implemented. In **El Salvador**, none of the judgments handed down in 2019 granted decent compensation to the victims, while the support fund mentioned in the law is inoperative due to the failure to allocate funds from the State budget for this purpose. In **Honduras**, the 2019 country report published by the Interinstitutional Commission for Combatting Sexual Exploitation and Human Trafficking (CICESCT) lacks information on victim compensation, as there is no evidence of cases in which the victims have been adequately compensated. Moreover, lack of a budget prevents implementation of the fund. In **Guatemala**, studies of judgments handed down show that the majority of cases ending in a conviction do not provide for compensation, violating the victims’ right to it. Guatemala’s legal system lacks a procedure or legal action to force people convicted of the crime to pay compensation; therefore, its payment, and hence, effectiveness, depends not only on the financial means of the convicted person but on his willingness to pay. Lawyers without Borders Canada, Tribuna de Mujeres Gladys Lanza (Honduras), Asociación para la Eliminación de la Explotación Sexual, Pornografía, Turismo y Tráfico Sexual de Niñas, Niños y Adolescentes en Guatemala (ECPAT/Guatemala), and Save the Children (El Salvador), Request for a thematic hearing on violations of the human rights of human trafficking victims in the Northern Triangle of Central America, September 23, 2020. IACHR archive.

⁴⁹³ EUROsociAL- Cooperation Programme between Latin America and the European Union. [Corrupt Officials, an essential link in human trafficking](#). October 16, 2020.

⁴⁹⁴ El País. [Funcionarios corruptos, un eslabón imprescindible en la trata de personas](#). July 19, 2020.

⁴⁹⁵ EUROsociAL- Cooperation Programme between Latin America and the European Union. [Corrupt Officials, an essential link in human trafficking](#). October 16, 2020.

⁴⁹⁶ Information provided to the IACHR by ECPAT during the consultation with experts, June 16, 2021.; El País. [Funcionarios corruptos, un eslabón imprescindible en la trata de personas](#). July 19, 2020.

⁴⁹⁷ EUROsociAL- Cooperation Programme between Latin America and the European Union. [Corrupt Officials, an essential link in human trafficking](#). October 16, 2020.

163. As gleaned from the information available to the Commission, organized crime groups are closely allied with political power in Guatemala and Honduras. In Guatemala, government officials participate in human trafficking as “users”, covering it up or tolerating it, or as managers of the illicit enterprise⁴⁹⁸. Specifically, municipal officials and employees have been identified as “users” of the sexual services of girls, as have police officers and judicial officials, who receive sexual favors in exchange for not prosecuting or favorable rulings⁴⁹⁹. Added to this are groups of police who directly engage in the trafficking business as owners, serving as frontmen for brothels and passing off their earnings as legal by investing in minibuses and taxis⁵⁰⁰. In Honduras, security forces and military personnel have been the accomplices of criminal trafficking groups that exploit people for domestic work as well as sexual services⁵⁰¹. In addition, immigration authorities receive sexual favors from victims, who become “currency” to pay off the debts of traffickers⁵⁰².
164. In light of the above, the Commission points out that, in addition to its prohibition by the ACHR⁵⁰³, trafficking in women “in all its forms” is a form of violence against women under the terms of the Convention of Belém Do Pará. It is a human rights violation that deeply scars its victims and breaks social bonds in the communities where it occurs⁵⁰⁴. Human trafficking victims must therefore receive support and protection, which not only implies assistance during judicial proceedings, but psychological care and support during their social reintegration⁵⁰⁵ – this, with a gender and children’s rights perspective to meet the specific needs of women and girls.
165. Under their duty to act with due diligence in cases of violence against women and girls, the States have obligations related to prevention, protection, punishment, and redress for this form of violence. In prevention, the IACHR particularly notes the need to address the structural factors that promote human trafficking in the region, including the dynamics created

⁴⁹⁸ CICIG and UNICEF. [Human Trafficking for Sexual Exploitation Purposes in Guatemala](#). 2016, pp. 38, 92, and 94.

⁴⁹⁹ CICIG and UNICEF. [Human Trafficking for Sexual Exploitation Purposes in Guatemala](#). 2016,

⁵⁰⁰ CICIG and UNICEF. [Human Trafficking for Sexual Exploitation Purposes in Guatemala](#). 2016, 2016, pg. 92.

⁵⁰¹ Reporteros de investigación. [El tormento después de la trata de personas en Honduras](#). March 6, 2019.

⁵⁰² ACV and Trocaire. [Impacto socioeconómico en las Mujeres Víctimas de Trata de Personas después de ser reinsertadas a la vida social](#). 2018, pp. 14, 41, 42, and 45.

⁵⁰³ IACHR. [Case of the Hacienda Brasil Verde Workers v. Brazil](#). Preliminary objections, merits, reparations and costs. Judgment of October 20, 2016. Series C No. 318, para. 281.

⁵⁰⁴ Save the Children. [Violencia y trata de personas en Centroamérica: oportunidades de intervención regional](#). 2012.

⁵⁰⁵ Lawyers without Borders Canada, Tribuna de Mujeres Gladys Lanza (Honduras), Asociación para la Eliminación de la Explotación Sexual, Pornografía, Turismo y Tráfico Sexual de Niñas, Niños y Adolescentes en Guatemala (ECPAT/Guatemala), and Save the Children (El Salvador), Request for a thematic hearing on violations of the human rights of human trafficking victims in the Northern Triangle of Central America. September 23, 2020. IACHR archive.

by the presence and activities of organized crime groups⁵⁰⁶, as well as social and economic factors. The Commission also recalls that the States have a duty to identify corruption and complicity linked with trafficking and to take steps to combat it – a duty that should be considered part of the more general obligation to prevent trafficking⁵⁰⁷. Concerning protection, the Commission has noted the need to introduce concrete measures to support women and girl victims of human trafficking, such as providing safe shelters⁵⁰⁸.

166. With regard to investigation, punishment, and redress, in addition to the obligation to conduct a domestic investigation into events occurring in their own territories, States are also subject to a duty to cooperate effectively with the relevant authorities of other interested States in the investigation of events that occurred outside their territories, particularly when one or more of the events in the chain leading to human trafficking have taken place in their territory or impacted one of their nationals⁵⁰⁹. They must also enable victims to participate freely, safely, and fully informed in judicial proceedings. To guarantee this, the States must offer victims a genuine opportunity to explore their legal options and, should they decide to participate, provide them with all the assistance, support, and protection they need to do so⁵¹⁰, considering all this from a gender perspective and intersectional and intercultural approach.

⁵⁰⁶ OBSERVA LA TRATA, Request for a thematic hearing on human trafficking in Latin America during the IACHR's 165th Period of Sessions, August 3, 2017. IACHR archive.

⁵⁰⁷ OHCHR [Fact Sheet No. 36: Human Rights and Human Trafficking](#), 2014, pg. 56.

⁵⁰⁸ IACHR. [Situation of human rights in El Salvador](#). OEA/Ser.LV/II. Doc. 278. October 14, 2021.

⁵⁰⁹ IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#). OEA/Ser.LV/II. Doc.46/15. December 31, 2015, para. 167.

⁵¹⁰ Tribuna de Mujeres Gladys Lanza, Lawyers without Borders Canada, ECPAT Guatemala, Save the Children, Main points of the presentation during the thematic hearing on the human rights situation of human trafficking victims in the Northern Triangle of Central America, during the IACHR's 178th Period of Sessions. September 2020. IACHR archive.

Exhibit 10

I reported it: Domestic violence Honduras



Honduras is a country that, within Latin America, has one of the highest rates of violence in general. In Honduras, it is reported that 35% of women face domestic violence and 10-15% sexual violence. Through the IHSLAC Project, PAHO and Canada are collaborating to empower women and prevent domestic violence through joint efforts with local and national government and health professionals.

Yamaranguila and the surrounding area is home to a large Lenca indigenous population. While some people live directly in the town of Yamaranguila, others live more remotely in the valley surrounded by mountains. The Canada Project has prioritized domestic violence as a component of its health work in the Yamaranguila municipality and surrounding communities.

Many women do not talk about their experiences with domestic violence and have nowhere to turn. The work of the Canada Project involves partnering with the communities, empowering women, and encouraging dialogue to reduce violence against women. Discussions about domestic violence are included in community meetings as part of the project and touch on a range of health topics.

Watch the full video above or see more videos at PAHO-Canada (GAC) Video Playlist

Exhibit 11

Femicide has become an epidemic in Honduras, says organization

 g1.globo.com / mundo/noticia/2015/06/feminicidio-virou-epidemia-em-honduras-denuncia-organizacao.html

June 24, 2015



June 24, 2015, 6:38 PM - Updated on June 24, 2015, 6:39 PM

Cases increased 263% between 2005 and 2013, says an NGO. Honduras has the highest homicide rate in the world.

From AFP

A feminist organization denounced this Wednesday (24) that the number of crimes against women increased in Honduras in an "alarming" way and reached epidemic levels in 2014.

The Women's Rights Center presented a study showing that 12 women per 100,000 inhabitants died violently in Honduras.

learn more

The World Health Organization (WHO) establishes that a country reaches epidemic level when it reaches a rate of 8.8 deaths per 100,000 inhabitants - "which makes these crimes considered an epidemic," explained Claudia Herrmannsdorfer, spokesperson for the organization.

According to the report, femicides increased "alarmingly" in Honduras: 263% between 2005 and 2013. The document also details that in 2013, 636 women were murdered, one every 14 hours. Although this number fell to 526 in 2014, cases are expected to rise in 2015. As of May, 152 femicides had been recorded in the country.

The researcher, who conducted the study "Access to Justice in Cases of Violent Deaths and Femicides," told Agence France-Presse that the Honduran government made a commitment to combating the murder of women 20 years ago, "but there is considerable disagreement among the eight organizations responsible for the investigations." As a result, 94% of cases go unpunished.

Most of the deaths "occur with women involved in organized crime activities and, therefore, end up not being investigated," explained Herrmannsdorfer.

Honduras has the highest homicide rate in the world, with 68 homicides per 100,000 inhabitants in 2014, according to the National University's Observatory of Violence.

Exhibit 12

UN calls on Honduras to take action on alarming number of femicides



noticias.uol.com.br/ultimas-noticias/afp/2024/01/13/onu-pede-a-honduras-aco-es-ante-numero-alarmante-de-feminicidios.htm

January 13, 2024

[News](#)

The United Nations called on the Honduran government on Friday (12) to take action in the face of the "serious situation of violence" against women.

Last year, 380 were murdered and, since the beginning of 2024, there have been 11 homicides.

The United Nations High Commissioner for Human Rights "calls for strong action by the State to guarantee women's right to a life free from violence," the organization noted in a statement released by its delegation in Tegucigalpa.

Last Sunday, Honduras was shaken by the disappearance of three young people on the Caribbean tourist island of Roatán, whose bodies were later found shot inside a vehicle. An American who fled to his country is the prime suspect.

The UN agency expressed "its concern" because in 2023, 380 women were murdered in Honduras, 24.2% more than in 2022. Furthermore, "the 911 system recorded 78,214 reports of violence against women between January and November 2023," it laments.

"It is equally worrying" that "at least 11 women were murdered in the first ten days of 2024," he added.

The text highlights that the violent death of the three young women in Roatán "highlights the urgency of urgently implementing a comprehensive State strategy to address gender-based violence."

nl/arm/tt

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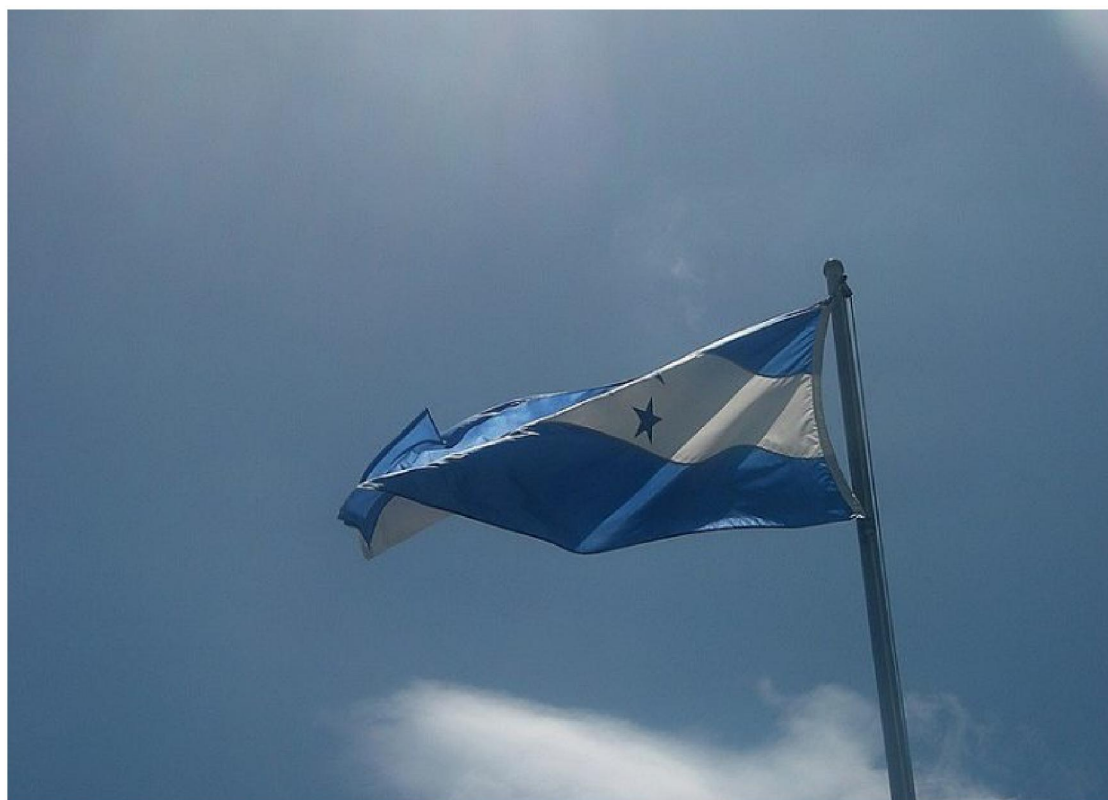


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Exhibit 13

90% of femicides in Honduras go unpunished, study finds

B www.brasildefato.com.br / 2018/07/11/90-dos-feminicidios-em-honduras-ficam-impunes-aponta-estudo/



A study released this Tuesday (10) by the Violence Observatory of the National Autonomous University of Honduras indicates that 90% of the cases of femicide that occurred in the country in the last 15 years went unpunished.

According to data collected by the university, 27% of women said they had suffered domestic violence at least once and nine out of ten were victims of sexual abuse.

At least 127 women were murdered in the first half of 2018. In 2017, the country recorded 380 cases of femicide. In total, 5,600 women have been murdered in Honduras over the past 15 years. According to the survey, the country averages one murder every 18 hours.

“The critical situation that women face daily can be avoided through a coordinated, rapid, comprehensive and forceful response by state authorities, awareness-raising and timely actions by the entire society,” said the United Nations High Commissioner for Human Rights (OHCHR), in a statement.

According to the organization's representative, Soledad Pazo, the Honduran government could be subject to sanctions if it does not take immediate action to curb violence against women.

The most vulnerable group, according to the study, is between 15 and 39 years old. Most recorded murders are caused by domestic violence. Furthermore, women are the most affected by organized crime and drug trafficking, two major problems currently facing Honduras.

Edited by: Opera Mundi

Content originally published in Opera Mundi

Tags: central america femicide honduras gender violence

Exhibit 14

Human rights defender calls 2025 a tragic year for femicides in Honduras

 elmundo.hn/defensora-de-derechos-humanos-califica-2025-tragico

El Mundo

July 13, 2025

Tegucigalpa – Human rights defender Honorina Rodríguez described 2025 as a tragic year for Honduran women this Sunday due to the alarming increase in femicides and reports of abuse in the country. The activist revealed that, according to unofficial figures, approximately 129 women have lost their lives violently this year, a statistic she considers unacceptable for Honduran society.

Rodríguez made an urgent appeal to stop violence in all its forms against Honduran women, noting that the current situation requires immediate and effective action from government authorities. The advocate expressed her concern about the lack of specific preventative measures in the country's current public policies.

In her statements, Rodríguez criticized the state of emergency implemented by the government for not including any specific provisions to prevent gender-based violence, which she considers a serious omission in the design of national security policies. The activist urged the authorities to change their approach, shifting from a reactive search for culprits to the implementation of preventative strategies that stop these crimes from occurring.

One of the most critical issues highlighted by the advocate was the alarming rate of impunity surrounding femicide cases in Honduras. According to her data, only 10% of registered cases have received a judicial response in the last 20 years, raising the impunity rate to over 90% for these types of crimes against Honduran women.

The gravity of the situation was once again evident in recent hours when a woman identified as María Solís was shot and killed inside a bar in the community of Papaloteca, in the municipality of Jutiapa, in the department of Atlántida, in the northern part of the country. This latest case adds to the long list of victims who have lost their lives this year.

For Rodríguez, cases like that of María Solís cannot continue to be repeated in Honduras, which is why she reiterated her call for a definitive end to violence against women. The advocate believes it is urgent to implement a comprehensive approach that combines preventative measures, social education, and a more efficient judicial system that guarantees those responsible for these crimes face the corresponding legal consequences.

The situation described by the human rights defender reflects a structural problem that requires priority attention from the Honduran State, especially at a time when gender violence continues to systematically claim lives throughout the national territory.