



## Left in the Dark: Violence Against Women and LGBTI Persons in Honduras and El Salvador

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**Editor's Note:** This is the eighth part of a series by Latin America Working Group Education Fund on the intersection of human rights, migration, corruption, and public security in Honduras and El Salvador. You can find the full series at [lawg.org/BetweenDangers](http://lawg.org/BetweenDangers).

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Violence against women in El Salvador and Honduras ranks amongst the highest in the world. Gangs are part of the problem, but the underlying causes of violence are deeply rooted in the patriarchal attitudes and *machista* culture that are pervasive in Salvadoran and Honduran societies. And while in 2017 we saw a minor decrease in one of the most extreme forms of violence against women, namely femicides, other forms—like domestic and sexual violence—continue to assail women in these countries. What is more, the majority of crimes against women and girls remain largely in impunity. LGBTI persons, especially trans women, also continue to be targeted and face major obstacles in their search for justice.

The high rates of impunity for sexual and gender-based crimes in these countries are the result of multiple factors. Very few victims report these crimes, and when they have the courage to do so, the state institutions often “fail to effectively investigate and prosecute [the] cases, due to lack of training, insufficient resources to carry out an investigation or prosecution, and sometimes the intentional mishandling of cases by police, prosecutors, and judges.” [1] Moreover, lack of protection mechanisms for victims who denounce their abusers further discourages women, girls, and LGBTI victims from speaking out. [2]

In terms of specific policies to address violence against women, both El Salvador and Honduras still have a long way to go. As Igarapé Institute's Renata Avilar Giannini notes, “violence reduction policies tend to leave aside or devalue the specific dynamics that affect women and have had mixed or limited results in terms of prevention and violence reduction against this specific public.” [3]

### **El Salvador**

In 2016, El Salvador reported 524 cases of femicides. [4] And in 2017, while lower, the numbers remained disturbingly high: between January and December, 468 women were murdered, [5] which constitutes a rate of 39 femicides per month. El Salvador ranks as the most dangerous Latin American country for women, according to the Economic Commission for Latin America and the Caribbean's Gender Equality Observatory. [6]

Most femicide cases are left in the dark. In fact, between 2013 and 2016, the Prosecutor's Office registered 662 cases of femicides, of which only 5 percent resulted in a guilty verdict. [7]

**Gangs affect women both directly and indirectly.** Physical and sexual violence against women are deeply embedded, practices within gang culture. [8][9] The *maras* systematically use sexual violence against women and girls as a means to establish and maintain dominance, leverage their status, and seek revenge. [10] However, these women and girls are merely considered property of the gangs; if they are suspected of treason, the gangs will not hesitate to kill them. [11] “One of the saddest indictments

of a girl's status in El Salvador is the pitiful value she commands in the gang's twisted economy," observes a *Financial Times* article on the issue. [12]

Yet, the gangs also impact women and girls' lives in less direct ways. A women's rights advocate points out that women have less access to justice in areas where there is a strong gang presence, as the state presence often is weak. [13] Fears of being associated with the police keep women from seeking help for non-gang related violence. As a result, there are fewer filed complaints of domestic and sexual violence in these areas. Moreover, because of the lack of state presence, there are also fewer preventive and protective services for women in these territories.

The gangs also have a serious impact on girls' health. According to the United Nations High Commissioner for Refugees (UNHCR) staff in El Salvador, around 80 percent of girls involved in gangs are pregnant by age 15. [14] In a country that criminalizes abortion in any and all cases, the only options these young women have are to either bear the child or undergo a dangerous clandestine abortion, with the potential to face stigma by family members or society from either choice.

**Violence against women is not just a gang problem.** In fact, the majority of violent acts against women and girls are perpetrated by community and family members.

Sexual violence, which accounted for 25 percent [15] of all violent acts against women in El Salvador in 2015, is mostly experienced in the home environment. On average, 15 cases of sexual violence are reported in El Salvador every day. [16] According to the Organization of Salvadoran Women for Peace (*Organización de Mujeres Salvadoreñas por la Paz* - ORMUSA), approximately 70 percent of perpetrators of sexual violence know the victim and 20 percent are family members. [17] Meanwhile sexual violence by unknowns (i.e. gang members) is not growing. [18]

In terms of age, women are most vulnerable to this type of violence when they are younger. Approximately, 7 out of 10 women who faced acts of violence were under 20 years of age. [19]

Similar to femicides, reported cases of sexual violence are often left in impunity. Between 2013 and November 2016, the Prosecutor's Office registered 8,464 reports of sexual violence, of which only 25 percent of cases were taken to court and just 10 percent resulted in a guilty verdict. [20]

**El Salvador's security policy does not fully take into account women's safety.** An activist we met with suspected some security policies have had a somewhat positive impact on gang violence against women, specifically femicides. [21] That is to say, murders of women have been reduced in areas where the police and military forces are cracking down on gangs.

However, most of the policies that are being devised to combat violence and deal with the prison crisis in El Salvador lack a gender focus. [22]

Sexual violence is not a primary concern of the state in terms of public security. In the words of Vilma Vaquerano of ORMUSA, "There is talk of homicides, with luck, of femicides, but sexual violence is not talked about." [23]

**Some advances in regulations but no tangible results in practice.** The Special Comprehensive Law for a Life Free of Violence for Women (*Ley Especial Integral para una Vida Libre de Violencia para las Mujeres*) [24] was passed seven years ago. On our trip, we learned that while there have been some trainings

offered to prosecutors, police, and hospitals to help them understand and implement it, women still face discrimination in the legal system and by the police. [25]

According to activists we met with, the Salvadoran Institute for the Development of Women (*Instituto Salvadoreño para el Desarrollo de la Mujer* - ISDEMU), which monitors the Special Comprehensive Law and the Law on Equality, Equity and Eradication of Discrimination against Women (*Ley de Igualdad, Equidad y Erradicación de la Discriminación contra las Mujeres*) [26], lacks the budget and the ministerial rank to be as effective as it could be. [27]

**Penalization of abortion.** The laws on abortion are regressing to what they were in the late 1990s. The majority of cases that have been taken to court end up in jail time, even when the abortion was for health reasons or even if it was a miscarriage, not an abortion. [28] The case of Teodora Del Carmen Vásquez, who was sentenced to 30 years in prison after suffering from a stillbirth, [29] is emblematic of the country's backwards view on women's reproductive health.

In July 2017, the ARENA party introduced a new bill that aims to increase the maximum prison sentence for abortion from 8 to 50 years. [30] The proposal has not been yet passed, but it exemplifies the draconian views on women's sexual and reproductive health still present in El Salvador today.

Civil society groups continue calling for abortions to be decriminalized in the cases of trafficking, rape, life-threatening fetus defects, and when the woman's health is in jeopardy. [31]

## Honduras

**Violence against women is declining, but not quickly enough.** Honduras reported 466 femicides in 2016—a rate of 10.2 per every 100,000 women. [32] And while 2017 saw a decline in femicides, the numbers are still extremely high: according to the Violence Observatory of the National Autonomous University of Honduras, 388 women were murdered. [33] That is, over 32 women were killed on average every month.

In 2016, the Office of the Commissioner for Human Rights in Honduras (CONADEH) received over 4,500 complaints from women who reported being victims of human rights violations. [34] Of these cases, 1,786 (39 percent) corresponded to attacks against the right to life and personal integrity (violence in its different forms). [35] CONADEH says that in the last 15 years, 5,600 women have been murdered in Honduras, and over 90 percent of these cases remain in impunity. [36]

The high levels of violence against women are often attributed to gang violence and organized crime, yet the reality is that women are just as vulnerable in their own homes. According to data from the Honduran Courts of Peace and Letters, between 2008 and 2015 there was a 390 percent increase in cases of domestic violence; 54 percent of the complaints expired before they received any response from officials. [37] Reported cases of domestic violence remained high in 2017: the National Inter-Institutional Security Force (FUSINA) detained 3,781 aggressors of intrafamily and domestic violence. [38]

**Impunity.** According to the Center for Women's Rights (*Centro de Derechos de la Mujer* - CDM), 95 percent of femicides committed in 2017 and the first weeks of 2018 remain in impunity, [39] continuing an alarming trend. In 2016, authorities only investigated 15 of the more than 400 cases of female murder, and just two of those cases received guilty verdicts. [40] Regina Fonseca from CDM believes the

state is responsible for the rampant impunity, noting that it has had access to data and information on femicides for years yet has failed to address the issue. [41]

**Few policies to combat violence against women.** Impunity levels remain sky-high because of a lack of societal and political will. The Honduran government also has not developed the tools to properly address the country's rampant violence against women. To this day, Honduras does not have specific mechanisms to compile and analyze data related to femicides, which makes it difficult to devise effective policy to combat the problem. [42]

Fonseca notes that, “unfortunately there are no policies aimed at reducing violent deaths [of women], there are no public policies aimed at preventing acts of violence against women.” [43]

The National Institute of Women (*Instituto Nacional de la Mujer* - INAM) was created in 1998 with the purpose of developing, promoting, and following up on policies that guarantee and protect the rights of women and girls. [44] It is worth noting that in 2016, along with 14 other public agencies, INAM began working on its *Ciudad Mujer* initiative, which aims to improve the lives of Honduran women in terms of violence prevention—as well as, economic autonomy, sexual and reproductive health, and collective education—through a network of services offered by the relevant agencies. [45] The first *Ciudad Mujer* was opened in Tegucigalpa last year and several others have been established since then. [46] It is too early to determine the impact of this initiative.

In terms of legislation, the Reformed Law against Domestic Violence (*Ley contra la violencia doméstica reformada*) [47] is the only law in place that directly addresses violence against women, yet there has been no significant reduction in domestic violence since it came into effect in 2006. A representative of INAM admitted that the law is only “moderately effective.” [48] According to the Law on Equal Opportunities for Women (*Ley de igualdad de oportunidades para la mujer*) [49], the state is supposed to guarantee the equality of women and men in the design and application of public policies, yet this clause is rarely fully and enthusiastically applied.

## Violence against LGBTI Persons

LGBTI persons in El Salvador and Honduras face discrimination by society, and are often targets of violence by gangs and organized crime, [50] as well as state forces. [51][52] Due to difficulties identifying and documenting sexuality- and gender-based crimes and high levels of impunity, the majority of cases of violence against LGBTI community members remain in the dark.

In Honduras, the CATRACHAS Lesbian Network (*Red Lésbica CATRACHAS*) has recorded 277 violent deaths of LGBTI persons since 2009, [53] marking an escalation of violence against LGBTI persons since the coup in June of that year. Activists at CATRACHAS with whom we met during our trip noted that between 2015 and 2017, only one of the multiple cases of violence against an LGBTI person was completely resolved. [54] Meanwhile, El Salvador's Ministry of Social Inclusion says that approximately 600 LGBTI persons have been killed between 1993 and 2017. [55] However, this is an estimate based on civil society information. Neither the Salvadoran nor Honduran governments have established mechanisms to systematically compile this data.

In Honduras, the security situation for outspoken LGBTI leaders has significantly deteriorated since the 2009 coup. Many LGBTI leaders have been killed and virtually all cases remain in impunity. Rene Martínez, an vocal LGBTI leader and then-president of the Sampedrana Gay Community (*Comunidad*

*Gay Sampedrana*) in San Pedro Sula, was found dead in his home on June 3, 2017 after having been reported missing. [56] His body showed clear signs of torture and indications that he was strangled to death.

The Worldwide Movement for Human Rights denounced that between June 2015 and April 2017, at least seven members of the Rainbow Association (*Asociación Arcoiris*), a Honduran LGBTI advocacy group, were murdered. [57]

Karla Avelar, a trans woman and one of El Salvador's most prominent LGBTI leaders, was compelled to leave the country because she felt unsafe. On October 20, 2017, she sent a message to her friends and partner organizations informing them of her decision to stay in Geneva, Switzerland after the European country offered her asylum. [58] "The purpose of this message is to inform you about my irrevocable decision not to return to El Salvador, strictly for security reasons, because I am not willing to lose my life for reasons of threats, extortion, HIV status, identity and gender expression," her WhatsApp message read. [59]

According to the Inter-American Commission for Human Rights, Honduras' Law of Police and Social Coexistence (*Ley de Policía y Convivencia Social*), as it is applied, has led to human rights violations, particularly against trans persons. [60] The law facilitates police abuse and arbitrary detentions of trans people, particularly sex workers, without any sort of accountability. [61] Moreover, LGBTI organizations warn that a new push to reform the country's penal code could be problematic since there is impetus to change articles that deal with the issue of gender [62] and eliminate a section that provides a legal framework for dealing with hate crimes. [63]

There are no laws in El Salvador that prohibit employment discrimination against individuals based on their sexual orientation or gender identity. [64] According to the United Nations High Commissioner for Human Rights, "In January [2017], the Constitutional Chamber of the Supreme Court of Justice in El Salvador dismissed an appeal alleging discrimination on the grounds of sexual orientation, arguing that the Constitution protects against discrimination on the grounds of sex but not sexual orientation." [65]

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## End Notes

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