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Honduras in the last decade, has been characterized as a highly violent country; who despises lesbian, gay, bisexual, transgender, and intersex people; a contempt that is institutional and cultural, the forms of violence are reflected from the legislative and legal norms of the country, which do not respect the right to equality, non-discrimination, the identity of trans people, equal marriage, intimate visitation equality in prisons, name change based on gender identity, adoption of LGBTI couples, among others; resulting in the legitimization of prejudicial actions and pronouncements by society, rooted in false stereotypes and religious fundamentalist positions regarding LGBTI people.

We can name as an example, a series of obsolete legal instruments that discriminate based on sexual orientation, gender identity and expression. Such is the case of, the Technical Standard for the Management of Blood and Blood Components of the year 2000 that prohibits the donation of blood to LGTBI people, or The Police and Social Coexistence Law of 2001, where in the arbitrary application of the same, criminalizes LGBTI people, considering them "immoral" and of "not good customs".

Likewise, the State has reformed its legal instruments to delegitimize LGBTI persons and carry out a continuum of legal and social exclusion. The Constitution of the Republic of Honduras, in its article 112, was amended in 2004 in order to expressly prohibit marriage and de facto union between people of the same sex; and, it only recognizes marriage between men and women who have the quality of such "naturally". In addition, equal marriages carried out abroad are invalid, which was reaffirmed in the legislative reform of the Family Code in 2013. Similarly, article 116 of the Constitution was amended, which prohibits adoption for same-sex couples in the year 2004; and that was endorsed in the Special Adoption Law of Honduras of 2018. Despite the express prohibition of equal marriage, the National Congress of Honduras, approved on January 21, 2021, a fraudulent and unconstitutional reform to Article 112, which by Parliamentary norm requires a qualified majority of  $\frac{3}{4}$  of votes, for any future reform and also establishes that no other constitutional provision may modify or repeal this article, leaving null and void the legal provisions that are subsequently created.

As a direct effect of the first prohibition of equal marriage, the Regulation of the Law of the National Registry of Persons came into force in 2005, which prohibits the change of name, despite the multiple administrative and judicial requests made by our organization and others, in the last decade to achieve recognition of the gender identity of trans people; in addition, the advances contained in the Inter American Court of Human Rights advisory opinion OC 24/17; the name change ban still stands. The only provision that has been made in relation to the situation of trans people is to hide their sex in the new identity card.

It is necessary to emphasize in the strong repercussion that it implies in political rights, the non-recognition of the identity and name of trans people, since they are forced to appear on the electoral ballot with their legal name, forcing them to campaign for elections from a position of diminishing chances of being elected, in front of others and other candidates, and exposing them as easy targets for discrimination.

The General Regulation of the Penitentiary System of the year 2014, only recognizes intimate visit between heterosexual couples; and, expressly prohibits the right of intimate visits between people of the same sex in Penitentiary Centers. Although this regulation recognizes the principle of equality and non-discrimination; and that the Criminal Code punishes the crime of discrimination based on sexual orientation, gender identity and expression; The requests presented at the administrative headquarters have not been addressed from a human rights perspective, because the response of public officials has been the same: "that the prohibition is justified, since equal marriage is prohibited." Despite the fact that the same regulation recognizes the right to intimate visitation for couples in "free union," this regulation only applies to heterosexual couples. In addition, a general visit to these centers is denied to trans women, even if the applicants are from the social family of deprived of liberty.

In domestic violence courts, as a standardized practice, cases are dismissed when a trans person or lesbian couples are involved, since the Judiciary considers that we are not protected by the Domestic Violence Law and, consequently, these cases are not known by the special jurisdiction on the matter, despite the fact that Article 1 of the Convention of Belém do Pará protects all women, and does not limit its action exclusively to heterosexual women, again obviating the conventionality control.

The Observatory of Violent Deaths of LGBTI People of the "Red Lésbica Cattrachas"<sup>1</sup>, registers from June 2009, to the present, 373 violent deaths, within this number 118 are trans people, 211 gays and 43 lesbians. Of these cases, only 78 have been prosecuted, resulting in 11 acquittals and 34 convictions, equivalent to 91% impunity. Despite having achieved the inclusion in the Penal Code of the generic aggravating factor based on sexual orientation, expression and gender identity, none of the sentences has contemplated it.

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<sup>1</sup> Available in [www.cattrachas.org](http://www.cattrachas.org)

In 2020, the situation of the general population worsened in Honduras, with three difficult events: the Covid-19 pandemic and hurricanes ETA and IOTA. This resulted in an increase in poverty, lack of access to meet basic needs in health, housing, food, the unemployment and the discrimination were constant problems, increased accumulated impunity, aggravated corruption, despite the confinement situation Honduras, was the country that registered the highest number of violent deaths of LGTTBI people in the Central American and Caribbean region during 2020.

The fear, hatred, rejection of LGTBI people has historically been installed by religious fundamentalism at will; and, it works as a platform to feed prejudice towards LGBTI people. The media also play an important role in the installation of fear, since they use the hate speech of religious fundamentalists to create waves of hatred, contempt and discrimination; that increase lethal violence against LGTBI people. This direct impact has been widely documented in Cattrachas's LGBTI Violent Death Observatory, making multiple complaints to the prosecution system since 2015, without investigation and responses to date.

The year 2021 is an elective year in Honduras; historically, the increase in LGTTBI violent deaths in electoral years has been observed and evidenced, in 2013 with 36 cases, in 2017 with 34 cases, these violent deaths are linked to the spread of political speeches and campaigns in the media that denigrate candidates based on sexual orientation or gender identity, at the level of pre-candidacies, and political speeches against the LGTTBI population in general.

Despite the provisions of article 72 of the Electoral and Political Organizations Law, in relation to the prohibition of using any expression that denigrates citizens and article 4 of the Regulation for Permanent Political Activity, Campaigns and Electoral Propaganda, on the prohibitions of spreading messages that damage the good name, honor and personal and family privacy; and the use of religious symbols or expressions; with the objective of being elected, some candidates have issued hate speeches that stigmatize and encourage discrimination against LGBTI people as part of their electoral campaigns. Despite the fact that on multiple occasions this situation has been made known to electoral institutions and the Human Rights Prosecutor's Office, there are no administrative or legal sanctions for those who violate these prohibitions.

Although, the principle of non-discrimination has been nominally recognized in public policies, regulations and laws; they have been insufficient, superficial and ineffective in practice and do not really combat the structural roots of discrimination based on sexual orientation, expression and gender identity. On the contrary, laws that discriminate or that contain ambiguous terms regarding “morals” continue to affect the lives and trespass on the dignity and bodies of sex-gender diverse persons.

All of the above reflects a homolesbotransphobic and prejudiced policy of a State that refuses to adopt reforms aimed at eliminating all the normative obstacles that discriminate and diminish our rights as LGBTI persons; and, which in turn promote the reproduction of violence against us, without a real framework of comprehensive protection. For this reason, it is not surprising that a large number of LGBTI people decide to emigrate from Honduras, to safeguard their lives and regain their dignity.