



Women in prison: Honduras

Analysis from the National Preventive Mechanism

| July 2024



association pour la prévention de la torture
asociación para la prevención de la tortura
association for the prevention of torture



Honduras



UNCAT Ratification
5 December 1996

OPCAT Ratification
23 May 2006

National Preventive Mechanism (NPM)

National Preventive Mechanism - National Committee for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment (NPM CONAPREV)

NPM legal framework
[Legislative Decree No. 136-2008](#)

NPM operationalisation
Since 2010

NPM structure
Specialised institution with two offices (a main office in Tegucigalpa M.D.C. and a regional office in San Pedro Sula). It is also supported by 23 local torture prevention boards.¹

NPM composition
17 members (7 women)

I. Facts and Figures

Prison population	Women in prison - Characteristics	Prisons for women
Total prison population 18,933	Indigenous women 3	Number of women's prisons 17
Women in prison (total) 1,147 6%	Foreign women 6	Women-only prisons 1
Sentenced women 570	Pregnant women 3	Mixed prisons with separate units for women 16
Women in pre-trial detention 577	Older women 22	
	Women with disabilities 4	
	LGBTIQ+ women 69	
	Children with their mothers in prison 21	
Source: National Penitentiary Institute , 31 September 2023.	Source : NPM CONAPREV , 31 September 2023	Source: National Penitentiary Institute , 31 September 2023.

¹ Article 41 of the Regulation of the General NPM Law CONAPREV

II. Recommendations

Body searches

- + It is recommended that the Public Prosecutor's Office carry out an exhaustive, impartial and independent investigation in order to clarify what happened during body searches (which are carried out on visitors) by the Military Police of Public Order and, if necessary, to deduce the responsibility that corresponds in law to the perpetrators of these acts that may engage the international responsibility of the State for torture, cruel, inhuman or degrading treatment.

Access to healthcare

- + It is urgently recommended that the National Penitentiary Institute and the Ministry of Health take the necessary measures to stock the pharmacy and provide efficient medical attention to the prison population, with special attention to those suffering from basic illnesses, in accordance with the State's responsibility under national² and international regulations.

Contact with the outside world

- + It is recommended that the Commission for the Control of the National Penitentiary System coordinate actions with the authorities of each penitentiary centre at the national level in order to analyse and determine the number of landline telephones in relation to the prison population that are needed to guarantee the right of communication of the prison population, and to take the necessary steps to provide the number of telephones required, observing the differentiated approach in relation to women in prison. The above in compliance with Rule 26 of the Bangkok Rules.

Prison staff

- + It is recommended that the intervening authorities of the national penitentiary system guarantee the right to life, personal integrity and freedom of expression of persons deprived of liberty, assuming their role as guarantors in their regard; to take action to raise awareness and provide training in human rights to the staff operating in the centre, so that each person is trained not only from a security perspective, but also from the perspective of re-education, rehabilitation and social reintegration, in accordance with the provisions of article 8, paragraph 14 of the Law of the National Penitentiary System.

LGBTIQ+ women

- + It is recommended that the Commission for the Control of the National Penitentiary System take the necessary administrative measures to implement strategies to combat incidences of violence against LGBTIQ+ persons in prison, as well as to keep a record of these incidents and the investigations of the alleged violations against LGBTIQ+ persons inside the penitentiary, in accordance with the Yogyakarta Principles + 10.

² Article 42 of the National Penitentiary System Law: *"All persons deprived of their liberty shall receive comprehensive medical care. It shall be provided to the extent required for the prevention, promotion and restoration of the health of the person deprived of liberty and shall include permanent or temporary general medical, dental, psychological and psychiatric services, in accordance with the provisions of this Law and its Regulations."*

Safeguards

- + It is recommended that the Judicial Power and the National Penitentiary System continue with the coordinated work spaces in order to guarantee the legal security of imprisoned persons, decongesting the existing judicial backlog in penitentiary centres and working in coordination with other governmental and non-governmental institutions that contribute to the fulfilment of the objectives of the custodial sentence, guaranteeing and respecting judicial guarantees and due process during each judicial or administrative process carried out, in the light of articles 8 and 25 of the American Convention on Human Rights.

III. Detention Issues

The National Penitentiary System in Honduras has been in a state of emergency for several years, with sudden changes of authorities in the penitentiary administration. On 20 June 2023, in the National Female Penitentiary of Social Adaptation (PNFAS), an unfortunate event occurred in which 46 imprisoned women lost their lives during a violent confrontation between [criminal structures](#). As a consequence of this violent incident, the Military Police of Public Order (PMOP) was appointed as the Intervention Commission of the National Penitentiary System³. This represents a step backwards in the system and, furthermore, a latent risk for women, as this was the first time military agents intervened specifically in PNFAS and in mixed penitentiary centres. Most of the members of the military police have not received specialised training in penitentiary matters; their academic curriculum has been training for the defence of the sovereignty and territory of the State, which is not appropriate for deployment in the penitentiary system, which is oriented towards the treatment, rehabilitation, re-education and reinsertion of the person deprived of their liberty.

Some situations of particular concern were observed. In addition to the precarious situations that exist in prisons and the lack of prison training of security staff, male officers carry out security functions inside women's prisons, which represents an imminent danger for women of suffering acts of torture of a sexual, physical or psychological nature.

Separation

In prisons in Honduras, there is no classification by category. Women are not separated according to their legal status (convicted/prosecuted). Although there are modules with this classification, the location of imprisoned women is not based on their legal status, but on security conditions, such as affinity between criminal structures and security measures, and the rest are placed in the few spaces available. A series of judicial resolutions have been issued with the aim of carrying out a true classification and location of women in prison, according to the three categories of minimum, medium and maximum security, but this has not been possible due to difficulties of space and infrastructure at the centre.

Accommodation and food

During the visits carried out, it was observed that women prisoners cook their own food. The prison administration provides the basic inputs for preparation. However, on many occasions the women complained that the rations are not sufficient for all the women, due to the increase in the population.

³ Executive Decree Number PCM 028-2023, dated 23 June 2023: <https://www.tsc.gob.hn/web/leyes/PCM-28-2023.pdf>

There is also a shortage of cooking utensils, among other aspects that prevent them from receiving quality food, well prepared and served, with sufficient nutritional value to maintain their health.

The housing does not have natural light or adequate ventilation, which means that the women have to control ventilation with additional electrical installations without the safety measures to prevent fires caused by the improper use or recharging of improvised electrical energy installations. In addition to this, there is a lack of maintenance of the building, most of which has roofs in poor condition with water leaks. It is necessary to review the conditions of each penitentiary centre and repair them in order to improve lighting and ventilation conditions.

It has also been observed that in mixed prisons women are held in extremely small spaces. In a space with a capacity of 3 persons, between 10 and 15 women are housed. Cells or rooms intended for night-time isolation should only be occupied by 1 woman prisoner. However, due to overcrowding, the prison administration places 2 women prisoners in the same dormitory. The women's penitentiary is overcrowded and severely concentrated⁴.

Sanitary services and personal hygiene

According to the information obtained through interviews with women in prisons, it has been found that household cleaning supplies are scarce and that the limitations of family visits restrict the acquisition of this type of supplies, which were previously provided by their families. The women have to buy these supplies at the prison's commissary and the prices are high, which means that many of them cannot afford them.

Sanitary facilities must be adequate to enable women to meet their needs in a timely, clean and decent manner consistent with human dignity. The shower temperature must be adjusted to the prevailing climate in each region. Access to toilets and the maintenance of minimum standards of hygiene are essential components of a humane environment. In addition, during the visits, it was found that the sanitary facilities do not provide adequate privacy and, due to the lack of supplies, there are inadequate hygienic conditions. It is necessary to improve these sanitary facilities and to adapt them so that women are treated with dignity when they relieve themselves.

Solitary confinement, isolation

The NPM-CONAPREV carried out a visit to the PNFAS Annex Centre at the Second Special Tactical Airborne Infantry Battalion, where 18 women have been held in isolation since June. There are concerns about the application of disciplinary measures prohibiting contact with family members. According to Rule 23 of the Bangkok Rules, a woman's communication with her children or relatives should not be restricted, given that family ties should be prioritised at all times in accordance with the principle of the best interests of the child in order to guarantee the success of progressive rehabilitation treatment and prevent psychological violations that could lead to further harm.

Prolonged isolation goes against the system of human rights protection. Therefore, the authorities involved in the prison system should seek to address the needs that have led to a woman's aggressive or violent behaviour and intervene and contribute to rehabilitation.

Due to the exploitation of women in criminal or organised crime structures, women seek to gain a higher rank within the structure in order to stop being used and to be seen with respect, resorting to violent behaviour and criminal leadership. Isolation encourages these behaviours and fosters depression, anxiety, hatred, low self-esteem, among other conditions, in addition to the fact that it is a space that does not have the minimum conditions to house the prison population for a prolonged period of time.

⁴ In October 2023, there were 791 women deprived of their liberty in the centre, with a capacity of 300, resulting in an overcrowding of 451 women.

Means of coercion

In its monitoring visits, the NPM-CONAPREV has verified that law enforcement officials assigned to prisons make disproportionate use of coercive means, such as handcuffs, to transport women, as well as inappropriate means of transport (truck-type vehicles). In interviews with women in prison, they reported having been taken to receive medical assistance handcuffed by their hands and, in some cases, even by their feet. Of particular concern to the NPM-CONAPREV is the locking of housing with up to three padlocks, where the keys are managed by the guard and there is not a single member of security at the gate of the housing who can react immediately to any incident, unforeseen circumstance or force majeure.

Safeguards

In order to interrupt patterns of torture and cruel, inhuman and degrading treatment, it is necessary that internal inspection mechanisms, such as the Inspectorate of Prisons and the Human Rights Unit of the National Penitentiary Institute, carry out regular visits to verify the conditions and treatment of women in prison and issue early warnings to prevent human rights violations, without prejudice to external monitoring. In this regard, it is essential that independent mechanisms such as the Judges of Execution, CONADEH, the Special Prosecutor for Human Rights and other bodies with a similar mandate carry out comprehensive monitoring visits independently to verify that the human rights of women in prison are being respected. These bodies should be able to receive and record grievances, complaints about the treatment they receive and protection from reprisals for reporting abuses of power. Therefore, confidentiality should be guaranteed and reports of the inspection carried out by these bodies should be drawn up independently, containing the findings of the inspection.

Disciplinary measures

The national penitentiary system has a Disciplinary Regulation that was published on 12 November 2015 in the Official Gazette, which regulates the principles, rights and duties of incarcerated persons, duties of the administration, competent body to apply sanctions, administrative decision-making bodies, classification of offences, sanctions, guarantees, disciplinary procedures and publication of proceedings.

Through the many complaints filed by women in prisons, the NPM-CONAPREV has found that due process is not being observed. The most frequently imposed sanctions are isolation and transfer, which are carried out without giving the women the possibility to challenge these sanctions, in contravention of the procedures already established in the aforementioned regulations, which guarantee the principle of legality, necessity and proportionality for the determination of the sanction to be imposed.

Prison life: regime and activities

Outdoor recreation and exercise

It is common to enter the facilities of the female penitentiary centre and observe the recreational spaces (courts and games areas) completely empty. Women remain locked up (collective solitary confinement). Either for security reasons, they prefer to remain locked up or because the authorities do not allow them to go out or do not promote exercise or sports. However, in the last few weeks, it has been observed that the authorities are allowing the women to go out on the court for a certain period of time and to participate in a dance called "zumba".

Education

Women in prison report difficulties in accessing educational programmes or making use of the books available in the school. Since the pandemic, participation in common spaces within the centre has been suspended and family members are not allowed to bring books into the centre.

Work

It has been noted with concern that more than 90% of the population of women in prison are locked up in their modules and that only a small number are engaged in manual work or working in the commissary

and raffles, among other small food businesses. According to the processes that must be followed in order to work, the women must submit their application to the prison management and wait for long periods of time to obtain a decision. The prison authority should promote work among women prisoners, applying a gender perspective, taking into account that many of them have children under their care and are the providers in their homes.

Healthcare

On admission to prison, all women should, without delay, be examined by the prison health staff. It would also be advisable that, on arrival at the centre, each woman should be given a leaflet with information on the existence and functioning of the health care service and on basic hygiene measures. Once in prison, women should have access to a medical service at any time, irrespective of the system they are in. It is important that access to medical care is being monitored by the regulatory framework surveillance unit of the Ministry of Health, as women prisoners frequently report that their medical needs are not being met, as well as the management of their chronic illnesses.

A mechanism for access to medical consultation that is not defined by the housing coordinators should be established. It is important that medical staff carry out housing inspections in order to follow up on their chronically ill patients, identify women who have not had access to visit the centre's clinic, and ensure that they receive the medication they need for their health conditions.

Healthcare shall be required to be provided by doctors and nurses with specific training in women's health issues, including gynaecology. In addition, certain preventive healthcare measures of particular importance to women, such as breast or cervical cancer screening, should also be offered to women in prison to the same extent as they are available in the outside community.

IV. Women in Special Situations of Vulnerability

Pregnant and breastfeeding women

Special facilities should be provided in women's facilities for the treatment of pregnant and postpartum women. As far as possible, provision should be made for delivery to take place in a civilian hospital. If the child is born in prison, this fact should not be recorded on the child's birth certificate.

Women with children in prison

According to national legislation, children are allowed to stay with their mother in prison until they are 4 years old. Currently⁵, the nursery module houses 6 girls and 16 boys, plus 3 pregnant women. Where mothers are allowed to stay in prison with their child, arrangements should be made to organise a nursery, staffed by qualified staff, where the children will be when they are not being cared for by their mothers.

V. Other Relevant NPM Information on Women in Prison

- + NPM CONAPREV, Informe Especial: Condiciones de las Mujeres Privadas de Libertad en Honduras [Special Report: Conditions of Women Deprived of Liberty in Honduras], 2021.
- + MNP CONAPREVE, Informe de Veeduría Social: Penitenciaría Nacional Femenina de Adaptación Social (PNFAS) [Social Watch Report: National Women's Penitentiary for Social Adaptation (PNFAS)]

⁵ Information provided by NPM-CONAPREV in October 2023.

This report is part of the Global NPM report on Women in Prison.

Access the full report here: www.apt.ch/global-report/