

# **HONDURAS 2019 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Honduras is a constitutional, multiparty republic. The country last held national and local elections in November 2017. Voters elected Juan Orlando Hernandez of the National Party as president for a four-year term beginning January 2018. International observers generally recognized the elections as free but disputed the fairness and transparency of the results.

The Honduran National Police (HNP) maintain internal security and report to the Secretariat of Security. The armed forces, which report to the Secretariat of Defense, are responsible for external security but also exercise some domestic security responsibilities in a supporting role to the HNP and other civilian authorities. Some larger cities have police forces that operate independently of the HNP and report to municipal authorities. The Military Police of Public Order (PMOP) report to military authorities but conduct operations sanctioned by civilian security officials as well as by military leaders. The National Interinstitutional Security Force (FUSINA) coordinates the overlapping responsibilities of the HNP, PMOP, National Intelligence Directorate, Public Ministry, and national court system. Although FUSINA reports to the National Security and Defense Council, it did not have an effective command and control infrastructure. As a result, civilian authorities at times did not maintain effective control over the security forces.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings; torture; harsh and life-threatening prison conditions; arbitrary arrest or detention; killings of and threats to media members by criminal elements; criminalization of libel, although no cases were reported; widespread government corruption; and threats and violence against indigenous, Afro-descendent communities, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

The government continued to prosecute and punish officials who committed abuses, but a weak judicial system and corruption were major obstacles to gaining convictions.

Organized criminal elements, 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, the business community, journalists, bloggers, women, and members of vulnerable populations. The government investigated and prosecuted many of these crimes, particularly through the HNP's Violent Crimes Task Force.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were several reports that the government or its agents committed arbitrary or unlawful killings. In general the killings took place during law enforcement operations or were linked to other criminal activity by government agents. Civilian authorities investigated and arrested members of the security forces accused of human rights abuses. Impunity, however, remained a serious problem, with significant delays in some prosecutions and sources alleging corruption in judicial proceedings.

The Public Ministry reported 307 arbitrary or unlawful killings by security forces during the year, of which 34 cases were dismissed, 103 resulted in convictions, 87 resulted in fines, and 83 were still under investigation at year's end. The HNP's Internal Affairs Directorate conducted internal investigations of HNP members in a continuation of the police purge begun in 2016.

On August 9, HNP sub inspector Omar Rolando Rodriguez Morazan, assigned to a police checkpoint in Pavana, Choluteca, was arrested in connection with the June 30 killing of Melvin Adolfo Bonilla in the village of La Vigilia, Moroceli. Bonilla was allegedly killed for working with authorities against the individuals who had killed his brother.

Authorities continued to investigate the deaths of 22 protesters that occurred during civil unrest following the disputed 2017 elections. On March 24, the Public Ministry's Agency for Technical Investigations (ATIC) executed an arrest warrant against PMOP soldier Denis Omar Caceres Ramirez for his alleged involvement in the death of postelection protester David Octavio Quiroz Urrutia in Progreso, Yoro, in 2017. Caceres' arrest was the second arrest of a member of the security forces allegedly involved in killings of election protesters.

The government continued to pursue legal actions against individuals allegedly involved in the 2016 killing of environmental and indigenous activist Berta

Caceres. On December 2, a court handed down sentences ranging from 30 to 50 years' imprisonment for seven defendants, who had been convicted in November 2018 of planning and carrying out the killing of Caceres and attempted killing of Gustavo Castro, a Mexican activist. The legal process against Roberto David Castillo Mejia, one of the alleged intellectual authors of the killing, was proceeding slowly, and Castillo remained incarcerated. His trial resumed on October 10. On September 12, an appeals court annulled the criminal proceedings against two former police officers, Carlos Cruz and Miguel Arcangel Rosa, who had been accused of falsifying evidence in favor of the defendants accused of killing Berta Caceres. The Public Ministry appealed that ruling on September 17.

There continued to be reports of violence related to land conflicts and criminal activity. Near a mining project in Tocoa, Colon Department, unknown gunmen killed Gerson Geovanny Leiva and Lucas Evangelista Bonilla in their homes. Both community leaders supported the mine operated by Los Pinares Investments, the company that managed mining operations.

Organized-criminal elements, including drug traffickers and local and transnational gangs including MS-13 and the 18th Street gang, committed killings, extortion, kidnappings, human trafficking, and intimidation of police, prosecutors, journalists, women, and human rights defenders. Major urban centers and drug trafficking routes experienced disproportionate rates of violence. The Violence Observatory of the Autonomous University of Honduras (UNAH) reported that as of June, 87 individuals working in the transportation sector, including taxi, bus, motorcycle taxi, and private company drivers, had been killed by criminal gangs.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

The government continued to make significant advances in combatting kidnappings by criminals. The HNP reported 11 kidnappings through October, a 40 percent decrease from the same period in 2018. The HNP secured the release of all 11 kidnapping victims, and investigations were underway in each case.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the law prohibits such practices, government officials received complaints and investigated alleged abuse by members of the security forces on the streets and in detention centers.

The Public Ministry reported 23 cases of alleged torture by security forces through September. As of September, none of these cases had been prosecuted. The ministry also reported 16 cases of alleged cruel and inhuman treatment, of which 13 were being prosecuted at year's end. The quasi-governmental National Committee for the Prevention of Torture, Cruel, Inhuman, or Degrading Treatment (CONAPREV) received 33 complaints of the use of excessive force by security forces against citizens.

### **Prison and Detention Center Conditions**

Prison conditions were harsh and sometimes life threatening due to pervasive gang-related violence and the government's failure to control criminal activity within the prisons. Prisoners suffered from overcrowding, insufficient access to food and water, violence, and alleged abuse by prison officials.

Physical Conditions: Prisoners suffered from severe overcrowding, malnutrition, lack of adequate sanitation and medical care, and, in some prisons, lack of adequate ventilation and lighting. The Secretariat of Human Rights reported that, as of September, the total prison population was 21,629 in 27 prisons. According to the secretariat, the system had a designed capacity for approximately 10,600 inmates.

The National Prison Institute (INP) reported nine violent deaths. In October prison gang members shot, killed, and mutilated prisoner Nery Orlando Lopez Sanabria in the La Tolva maximum security prison.

As of September the Secretariat of Human Rights reported that the country's three pretrial detention centers held 79 individuals. These three centers were on military installations and received some support services from the military, but the INP administered them. The government used pretrial detention centers to hold high-profile suspects and those in need of additional security. Long periods of pretrial detention remained common and problematic, with many other pretrial detainees held in the general population with convicted prisoners.

The government failed to control adequately pervasive gang-related violence and criminal activity within the prisons. Many prisons lacked sufficient security

personnel. Many prisoners had access to weapons and other contraband, inmates attacked other inmates with impunity, escapes were frequent, and inmates and their associates outside prison threatened prison officials and their families. These conditions contributed to an unstable, dangerous environment in the penitentiary system. Media reported prison riots and violent confrontations between gang members in prisons throughout the year.

Authorities did not generally segregate those with tuberculosis or other infectious diseases from the general prison population; as of September the INP reported 90 prisoners were being treated for tuberculosis. There was only limited support for persons with mental illnesses or disabilities. CONAPREV reported that every prison had a functioning health clinic with at least one medical professional, but basic medical supplies and medicines, particularly antibiotics, were in short supply throughout the prison system. In most prisons only inmates who purchased bottled water or had water filters in their cells had access to potable water.

Administration: As of August CONAPREV received 199 complaints of alleged use of excessive force against prisoners. As of December no information was available from the government on whether authorities investigated these complaints. Media reports noted that family members often faced long delays or were unable to visit detainees.

Independent Monitoring: The government generally permitted prison visits by independent local and international human rights observers, including the International Committee of the Red Cross. CONAPREV conducted more than 60 visits to adult prisons as of the end of August. The judicial system was legally responsible for monitoring prison conditions and providing for the rights of prisoners.

Improvements: Through August, CONAPREV trained 890 technical, administrative, and security personnel on topics including first aid and appropriate use of force.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The Inter-American Commission on Human Rights (IACHR) reported that authorities at times failed to enforce these requirements effectively.

## Arrest Procedures and Treatment of Detainees

The law provides that police may make arrests only with a warrant unless they make the arrest during the commission of a crime, there is strong suspicion that a person has committed a crime and might otherwise evade criminal prosecution, they catch a person in possession of evidence related to a crime, or a prosecutor has ordered the arrest after obtaining a warrant. The law requires police to inform persons of the grounds for their arrest and bring detainees before a competent judicial authority within 24 hours. It stipulates that a prosecutor has 24 additional hours to decide if there is probable cause for indictment, whereupon a judge has 24 more hours to decide whether to issue a temporary detention order. Such an order may be effective for up to six days, after which the judge must hold a pretrial hearing to examine whether there is probable cause to continue pretrial detention. The law allows persons charged with some felonies to avail themselves of bail and gives prisoners the right of prompt access to family members. The law allows the release of other suspects pending formal charges, on the condition that they periodically report to authorities, although management of this reporting mechanism was often weak. The government generally respected these provisions. Persons suspected of any of 22 specific felonies must remain in custody, pending the conclusion of judicial proceedings against them. Some judges, however, ruled that such suspects may be released on the condition that they continue to report periodically to authorities. The law grants prisoners the right to prompt access to a lawyer of their choice and, if indigent, to government-provided counsel, although the public defender mechanism was weak, and authorities did not always abide by these requirements.

Arbitrary Arrest: The Public Ministry reported 19 cases of alleged illegal detention or arbitrary arrest as of September, and the National Human Rights Commission of Honduras (CONADEH) reported 80 cases of arbitrary or illegal arrests by security forces.

Pretrial Detention: Judicial inefficiency, corruption, and insufficient resources delayed proceedings in the criminal justice system, and lengthy pretrial detention was a serious problem. For crimes with minimum sentences of six years' imprisonment, the law authorizes pretrial detention of up to two years. The prosecution may 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 for their alleged crime. The law does not authorize pretrial detention for crimes with a maximum sentence of five years or less. The law mandates that authorities release detainees whose cases have not yet

come to trial and whose time in pretrial detention already exceeds the maximum prison sentence for their alleged crime. Even so, many prisoners remained in custody after completing their full sentences, and sometimes even after an acquittal, because officials failed to process their releases expeditiously.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but the justice system was poorly funded and staffed, inadequately equipped, often ineffective, and subject to intimidation, corruption, politicization, and patronage. Low salaries and a lack of internal controls rendered judicial officials susceptible to bribery, although the Supreme Court did significantly raise salaries during the year and was making improvements in transparency. Powerful special interests, including organized criminal groups, exercised influence on the outcomes of some court proceedings.

#### **Trial Procedures**

The law provides for the right to a fair and public trial; however, the judiciary did not always enforce this right.

The law presumes an accused person is innocent. The accused has the right to an initial hearing before a judge, to ask for bail, consult with legal counsel in a timely manner, have a lawyer provided by the state if necessary, and request an appeal. Defendants may receive free assistance of an interpreter. The law permits defendants to confront witnesses against them and offer witnesses and evidence in their defense. Defendants may not be compelled to testify or confess guilt. Authorities generally respected these rights.

Credible observers, including Peace Brigades International, noted problems in trial procedures, such as a lack of admissible evidence, judicial corruption, widespread public distrust of the legal system, witness intimidation, and an ineffective witness protection program.

#### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

#### **Civil Judicial Procedures and Remedies**

The law establishes an independent and impartial judiciary in civil matters, including access to a court to seek damages for human rights violations. Litigants may sue a criminal defendant for damages if authorized by a criminal court. Individuals and organizations may appeal adverse domestic decisions to the Inter-American Human Rights System.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

Although the law generally prohibits such actions, a legal exception allows government authorities to enter a private residence to prevent a crime or in case of another emergency. There were credible complaints that police occasionally failed to obtain the required authorization before entering private homes.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, with some restrictions, and the government generally respected this right. A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the major news media.

Freedom of Expression: The law includes a provision to punish persons who directly or through public media incite discrimination, contempt, repression, or violence against a person, group, or organization for reasons of gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or national origin, language, nationality, religion, family affiliation, family or economic situation, disability, health, physical appearance, or any other characteristic that would offend the victim's human dignity.

Violence and Harassment: There were continued reports of harassment and threats against journalists, media figures, and bloggers. On March 17, a gunman shot and killed journalist Gabriel Hernandez in Nacome, Valle Department. Hernandez directed the television program *The People Speak*, where he discussed social issues and local politics. As of December the Secretariat of Human Rights had no information regarding an investigation or arrest in the case. In June a court found 12 members of the 18th Street gang guilty for their connections to the 2017 murder of Igor Padilla, a television journalist with the network HCH.



Government officials at all levels publicly denounced violence and threats of violence against media members and social communicators. It was usually unclear whether violence and threats against journalists were linked to their work or were products of generalized violence.

The government allocated a budget of nearly 25 million lempiras (one million dollars) for the continued operation of a protection mechanism that included provision of protection to journalists. By August it had provided protection to 39 journalists, among other types of activists and human rights defenders. Some nongovernmental organizations (NGOs) continued to express concern about weak implementation of the law and limited resources available to operate the government's protection mechanism. Civil society organizations continued to criticize the government's failure to investigate threats adequately.

The HNP's Violent Crimes Task Force investigated crimes against high-profile and particularly vulnerable victims, including journalists (as well as judges, human rights activists, and members of the LGBTI community). As of September the task force had submitted 17 cases to the Public Ministry, arrested 24 persons, and obtained four convictions.

Censorship or Content Restrictions: Media members and NGOs stated the press self-censored due to fear of retaliation from organized crime or corrupt government officials.

Libel/Slander Laws: Citizens, including public officials, may initiate criminal proceedings for libel and slander. No cases were reported during the year.

Nongovernmental Impact: Some journalists and other members of civil society reported threats from members of organized crime. It was unclear how many of these threats were related to the victims' professions or activism. Several anonymous social media sites, possibly linked to political parties, criticized journalists (as well as activists and civil society organizations) who were critical of the government or opposition party policies.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, but in contrast with 2018, there were no credible reports that the government monitored private online communications without appropriate legal authority.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

#### **Freedom of Peaceful Assembly**

The law provides for freedom of peaceful assembly, and the government generally respected this right. The law requires a judge to issue an eviction order for individuals occupying public and private property if security forces have not evicted the individuals within a specified period of the occupation. Some local and international civil society organizations, including students, agricultural workers groups, political parties, and indigenous rights groups, alleged that members of the security forces used excessive force to break up demonstrations. The IACHR reported that the government at times used a policy of arbitrary detentions or arrests to inhibit protest.

On June 19, a soldier allegedly killed Eblin Noel Corea Maradiaga, a 17-year-old student, in Yarumela, La Paz, where a road had been blocked during a protest earlier that day. On September 19, the Office of the Special Prosecutor for Crimes against Life and ATIC arrested Adan Garcia Banegas, a member of the armed forces, for his alleged role in Maradiaga's death. The Secretariat of Defense's Human Rights Division worked with the Attorney General's Office to investigate the June 19 incident, which occurred in the context of widespread unrest in the country.

#### **Freedom of Association**

The law provides for freedom of association, and the government generally respected this right. The law prohibits illicit association, defined as gatherings by persons bearing arms, explosive devices, or dangerous objects with the purpose of committing a crime, and prescribes prison terms of two to four years and a fine of 30,000 to 60,000 lempiras (\$1,200 to \$2,400) for anyone who convokes or directs an illicit meeting or demonstration. There were no reports of such cases during the year, although authorities charged some protesters with sedition. Public-sector

unions expressed concern over some officials refusing to honor bargaining agreements and firing union leaders. The law prohibits police from unionizing (see section 7.a.).

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: There were areas where authorities could not assure freedom of movement because of criminal activity and a lack of significant government presence.

### **e. Internally Displaced Persons**

In 2018 the Internal Displacement Monitoring Center estimated there were approximately 191,000 internally displaced persons (IDPs) in the country. Internal displacement was generally caused by violence, national and transnational gang activity, and human trafficking. Official data on forced internal displacement was limited in part because gangs controlled many of the neighborhoods that were sources of internal displacement (see section 6, Displaced Children).

The government maintained the Interinstitutional Commission for the Protection of People Displaced by Violence and created the Directorate for the Protection of Persons Internally Displaced by Violence within the Secretariat of Human Rights. Both the ministry and the commission focused on developing policies to address IDPs. Under the Regional Integral Framework for Protection and Solutions, the government continued to strengthen its capacity to provide services to key population groups, including refugees and returned migrants, through 14 commitments and 28 specific actions between 2018 and 2020. As of November 14, the government had implemented 15 of the 28 actions to promote the safe, voluntary, dignified return, resettlement, or local integration of IDPs.

### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: Transiting migrants were vulnerable to abuse by criminal organizations. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance to refugees and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status. The government has a nascent system to provide protection to refugees, the effectiveness of which had not been fully proven by year's end, but at times there were delays in processing provisional permits for asylum applicants.

#### **g. Stateless Persons**

Not Applicable.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the right to choose their government in free and fair periodic elections held by secret ballot and based on nearly universal and equal suffrage. The law does not permit active members of the military or civilian security forces to vote. The constitution prohibits practicing clergy from running for office or participating in political campaigns.

#### **Elections and Political Participation**

Recent Elections: In December 2017 Juan Orlando Hernandez of the National Party was declared the winner in the November elections. International observers generally agreed the elections were free but disputed the fairness and transparency of the results. The Organization of American States (OAS) and EU observer teams agreed that the margin of victory separating incumbent president Hernandez from challenger Salvador Nasralla was extremely narrow. The OAS mission found that the 1.5 percent margin of victory, combined with numerous irregularities in vote processing, left it unable to state with certainty who won the presidential election. The EU mission agreed there were serious irregularities in the process but concluded that safeguards built into the system, including posting of voting results forms on a public website, helped promote transparency. NGOs reported irregularities, including problems with voter rolls, buying and selling of electoral workers' credentials, and lack of transparency in campaign financing.

Political Parties and Political Participation: Civil society and opposition parties accused officials of using government resources to attract voters.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. Women, however, suffered political violence, which ranged from harassment for voting against party lines to receiving death threats for their political participation. Women held 22 percent of seats in the National Congress, and fewer women participated in regional and local politics.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides for criminal penalties for corruption by officials, but authorities did not implement the law effectively, and officials continued to engage in corrupt practices with impunity. There were numerous reports of government corruption during the year. The government took steps to address corruption at high levels in government agencies, including arresting and charging members of congress, judges, prosecutors, sitting and former senior officials, mayors and other local authorities, and police officers. Anticorruption efforts continued to lag and remained an area of concern, as well as the government's ability to protect justice operators, such as prosecutors and judges.

In 2016 the OAS Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) began collaborating with the judiciary, the Public Ministry, and other institutions to prevent and investigate acts of corruption. Prompted by MACCIH's work, the Public Ministry created an anticorruption unit (UFECIC) that undertook cases for investigation, including 13 major cases in conjunction with MACCIH. MACCIH assisted the Supreme Court with the establishment of an anticorruption court with national jurisdiction.

Corruption: As of October UFECIC, in collaboration with MACCIH, had presented 13 case investigations, including against former first lady Rosa Elena Bonilla de Lobo, spouse of former president Porfirio Lobo, which resulted in her conviction in August on fraud and misappropriation of public funds and a sentence of 58 years in prison. Several cases involved accusations against members of congress, such as the *fe de erratas* (erratum) case against two members of congress accused of altering legislation and the Network of Congresspersons case, in which five officials were accused of diverting public funds. In March, UFECIC presented two cases to the anticorruption court related to hydroelectric projects, Patuca III Collusion and Corruption and Fraud in el Gualcarque. The latter was

based on multiple reports of irregularities in hydroelectric projects managed by the company DESA, presented by the deceased environmental defender Berta Caceres and involving David Castillo, accused of being one of the alleged intellectual authors in Caceres' killing. In May UFECIC presented a case referred to as Narcopolitics, which accused 12 citizens of being part of a money-laundering scheme that moved funds from international drug trafficking through large-scale public works projects contracted by the government, most of which were never carried out. The son of former president Porfirio Lobo Sosa, who was serving a prison sentence in the United States, was named in this case.

During the year the National Anticorruption Council (CNA) presented eight high-profile cases to the Public Ministry, citing several public administration and elected officials and relatives of former presidents. In February the CNA presented a case against former president Lobo and former Central Bank president Wilfredo Cerrato for violation of the duties of public servants and embezzlement of public funds. Following the announcements of these cases, the CNA reported being the target of harassment campaigns and threats.

Financial Disclosure: Public officials are subject to a financial disclosure law but did not always comply. The law mandates that the Supreme Auditing Tribunal monitor and verify disclosures. The tribunal published its reports on its website and cited the names of public officials who did not comply with the disclosure law.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views, but some human rights organizations criticized government officials for lack of access and responsiveness.

The United Nations or Other International Bodies: Some civil society organizations criticized the government for failing to comply with, or inadequately complying with, recommendations by the Inter-American Commission of Human Rights and protection measures ordered by the government and recommended by the IACHR.

Government Human Rights Bodies: A semiautonomous commissioner for human rights served as an ombudsman and investigated complaints of human rights

abuses. With offices throughout the country, the ombudsman received cases that otherwise may not have risen to national attention. The Secretariat of Human Rights served as an effective advocate for human rights within the government. The Public Ministry's Office of the Special Prosecutor for Human Rights handled cases involving charges of human rights abuses by government officials. In 2018 the Public Ministry also created the Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Officials. There is also a Human Rights Committee in the National Congress. The Ministries of Security and Defense both have human rights offices that investigated alleged human rights abuses and coordinated human rights-related activities with the Secretariat of Human Rights.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law criminalizes all forms of rape of men or women, including spousal rape. The government considers rape a crime of public concern, and the state prosecutes rapists even if victims do not press charges. The penalties for rape range from three to nine years' imprisonment, and the courts enforced these penalties.

According to UNAH Violence Observatory statistics, killings of women decreased from 9.1 deaths per 100,000 in 2016 to 8.2 per 100,000 in 2018, and to 7.9 per 100,000 as of June. Women in domestic situations were the most vulnerable group, accounting for approximately 40 percent of these deaths.

The law criminalizes domestic violence and provides penalties of up to four years in prison for domestic violence. If a victim's physical injuries do not reach the severity required to categorize the violence as a criminal act, the legal penalty for a first offense is a sentence of one to three months of community service. Female victims of domestic violence are entitled to certain protective measures. Abusers caught in the act may be detained for up to 24 hours as a preventive measure. The law provides a maximum sentence of three years in prison for disobeying a restraining order connected with the crime of intrafamilial violence.

The law was not effectively enforced, and weak public institutional structures contributed to the inadequate enforcement of the law. Due to impunity rates of up to 90 percent in the courts, women often did not report the crime, or withdrew the case, because they feared or were economically dependent on the aggressor. In

addition, women experienced delays in accessing justice due to police who failed to process complaints in a timely manner or judicial system officials who deferred scheduling hearings. Institutions such as the judiciary, the Public Ministry, the National Police, and the Secretariat of Health attempted to enhance their response to domestic violence, but obstacles included insufficient political will, inadequate budgets, limited or no services in rural areas, absence of or inadequate training and awareness of domestic violence among police and other authorities, and a pattern of male-dominant culture and norms. Additionally, the National Institute for Women lost authority and power to advocate for female victims when it was folded into the Sectorial Cabinet of Inclusion and Social Development. NGOs, human rights organizations, and universities offered alternative legal services, care, and support but were limited by budget and size.

In cooperation with the UN Development Program, the government operated consolidated reporting centers in Tegucigalpa and San Pedro Sula where women could report crimes, seek medical and psychological attention, and receive other services. These reporting centers were in addition to the 298 government-operated women's offices--one in each municipality--that provided a wide array of services to women, focusing on education, personal finance, health, social and political participation, environmental stewardship, and prevention of gender-based violence.

Sexual Harassment: The law criminalizes various forms of sexual harassment. Violators face penalties of one to three years in prison and possible suspension of their professional licenses, but the government did not effectively enforce the law.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Although the law accords women and men the same legal rights and status, including property rights in divorce cases, many women did not fully enjoy such rights. Most women in the workforce engaged in lower-status and lower-paying informal occupations, such as domestic service, without the benefit of legal protections. By law women have equal access to educational opportunities.

## **Children**

Birth Registration: Children derive citizenship by birth in the country, from the citizenship of their parents, or by naturalization.



Child Abuse: Child abuse remained a serious problem. The law establishes prison sentences of up to three years for child abuse. As of July 30, the Violence Observatory reported killings of 264 persons younger than 23.

Early and Forced Marriage: The minimum legal age of marriage for both boys and girls is 18. According to UNICEF, 8 percent of children were married before age 15 and 34 percent before age 18.

Sexual Exploitation of Children: The commercial sexual exploitation of children, especially in sex trafficking, continued to be a problem. The country was a destination for child sex tourism. The legal age of consent is 18. There is no statutory rape law, but the penalty for rape of a minor younger than 12 is 15 to 20 years in prison, or nine to 13 years in prison if the victim is 13 or older. Penalties for facilitating child sex trafficking are 10 to 15 years in prison, with fines ranging from one million to 2.5 million lempiras (\$40,000 to \$100,000). The law prohibits the use of children younger than 18 for exhibitions or performances of a sexual nature or in the production of pornography.

Displaced Children: Civil society organizations reported that common causes of forced displacement for youth included death threats for failure to pay extortion, attempted recruitment by gangs, witnessing criminal activity by gangs or organized crime, domestic violence, attempted kidnappings, family members' involvement in drug dealing, victimization by traffickers, discrimination based on sexual orientation, sexual harassment, and discrimination for having a chronic illness.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

The Jewish community numbered more than 250 members. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

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

**Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The Public Ministry is responsible for prosecuting violations. The law requires that persons with disabilities have access to buildings, but few buildings were accessible, and the national government did not effectively implement laws or programs to provide such access.

The government has an Office for People with Disabilities located within the Ministry of Development and Social Inclusion, but its ability to provide services to persons with disabilities was limited. Mental health professionals expressed concern about social stigma by families and communities against persons with mental disabilities and a lack of access to mental health care throughout the country.

**Indigenous People**

In the 2013 census, approximately 8.5 percent of the population identified themselves as members of indigenous communities, but other estimates were higher. Indigenous groups included the Miskito, Tawahkas, Pech, Tolupans, Lencas, Maya-Chortis, Nahuatl, Bay Islanders, and Garifunas. They had limited representation in the national government and consequently little direct input into decisions affecting their lands, cultures, traditions, and the allocation of natural resources.

Indigenous communities continued to report threats and acts of violence against them and against community and environmental activists. Violence was often rooted in a broader context of conflict over land and natural resources, extensive corruption, lack of transparency and community consultation, other criminal activity, and limited state ability to protect the rights of vulnerable communities.

Ethnic minority rights leaders, international NGOs, and farmworker organizations continued to claim that the government failed to redress actions taken by security forces, government agencies, and private individuals and businesses to dislodge farmers and indigenous persons from lands over which they claimed ownership based on land reform law or ancestral land titles.

Persons from indigenous and Afro-descendent communities continued to experience discrimination in employment, education, housing, and health services.

An IACHR report noted there were insufficient hospital beds and inadequate supplies at the only hospital that services Gracias a Dios Department, home to the majority of the Miskito community. On September 8, Garifuna leader Mirna Suazo was shot and killed by two assailants on a motorcycle. Three other Garifuna women also were killed within three days of Suazo's killing. The government was investigating these crimes and had arrested suspects as of November.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law states that sexual orientation and gender identity characteristics merit special protection from discrimination and includes these characteristics in a hate crimes amendment to the penal code. Nevertheless, social discrimination against LGBTI persons persisted, as did physical violence. Local media and LGBTI human rights NGOs reported an increase in the number of killings of LGBTI persons during the year. Impunity for such crimes was a problem, as was the impunity rate for all types of crime. According to the Violence Observatory, of the 317 cases since 2009 of hate crimes and violence against members of the LGBTI population, 92 percent had gone unpunished.

CONADEH reported 16 hate crimes against transgender women through September. In June, three LGBTI individuals were killed, and four LGBTI persons were killed during one weekend in July. One of the victims, a young transgender woman known as Shakira or "La Moy," was violently killed in the department of Cortes. The government responded to the multiple LGBTI murders with social media messages condemning the violence against the LGBTI community. The HNP was investigating these crimes and had arrested multiple suspects as of November.

LGBTI rights groups asserted that government agencies and private employers engaged in discriminatory hiring practices. Transgender women were particularly vulnerable to employment and education discrimination; many could find employment only as sex workers, substantially increasing their risk of violence. Transgender individuals noted their inability to update identity documents to reflect their gender identity. In September a lesbian student in Tegucigalpa was suspended from school for eight days and forced to attend a private graduation after classmates found photographs on a social media platform of her kissing another young woman.

### **HIV and AIDS Social Stigma**

Persons with HIV and AIDS continued to be targets of discrimination. According to NGO Association for a Better Life, there were reports of forced sterilization of women with HIV, and they suffered disproportionately from gender-based violence. The Ministry of Human Rights reported a study that found that six of 10 persons believed that women with HIV had no right to become pregnant. A study conducted on stigma and discrimination associated with HIV found that 13 percent of citizens believed that anyone has the right to assault a person for identifying as transgender, an increase of 4 percent between 2016 and 2019.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law grants workers the right to form and join unions of their choice, bargain collectively, and strike. It prohibits employer retribution against employees for engaging in trade union activities. The law places 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 represent. Through August, eight new unions had been formed. The law prohibits members of the armed forces and police, as well as certain other public employees, from forming labor unions.

The law requires an employer to begin collective bargaining once workers establish a union, and it specifies that if more than one union exists at a company the employer must negotiate with the largest.

The law allows only local unions to call strikes, prohibits labor federations and confederations from calling strikes, and requires that a two-thirds majority of both union and nonunion employees at an enterprise approve a strike. The law prohibits workers from legally striking until after they have attempted and failed to come to agreement with their employer, and it requires workers and employers to participate in a mediation and conciliation process. In addition, the law prohibits strikes in a wide range of economic activities that the government has designated as essential services or that it considers would affect the rights of individuals in the larger community to security, health, education, and economic and social well-being.

The law permits workers in public health care, social security, staple food production, and public utilities (municipal sanitation, water, electricity, and telecommunications) to strike as long as they continue to provide basic services. The law also requires that public-sector workers involved in the refining, transportation, and distribution of petroleum products submit their grievances to the Secretariat of Labor and Social Security (STSS) before striking. The law permits strikes by workers in export-processing zones and free zones for companies that provide services to industrial parks, but it requires that strikes not impede the operations of other factories in such parks. The STSS has the power to declare a work stoppage illegal, and employers may discipline employees consistent with their internal regulations, including by firing strikers, if the STSS rules that a work stoppage is illegal.

The government did not effectively enforce the law. Nearly two years after passage of a comprehensive labor inspection law in 2017, the STSS released implementing regulations based on extensive consultations with the private sector and unions. Employers frequently refused to comply with STSS orders that required them to reinstate workers who had been dismissed for participating in union activities. By law the STSS may fine companies that violate the right to freedom of association. The law permits fines, and while the monetary penalty is sufficient to deter violations, the failure of the government to collect those fines facilitated continued labor code violations. Through August the STSS administered fines of more than 17.6 million lempiras (\$704,000). Despite administering fines, through September 30, the government had not collected a fine originating from a labor violation. Both the STSS and the courts may order a company to reinstate workers, but the STSS lacked the means to verify compliance. While there were cases where a worker was reinstated, such as the reinstatement of a union leader in Tegucigalpa following his unlawful dismissal, the reinstatement process in the courts was unduly long, lasting from six months to more than five years.

Workers had difficulty exercising the rights to form and join unions and to engage in collective bargaining, and the government failed to enforce applicable laws effectively. Public-sector trade unionists raised concerns about government interference in trade union activities, including its suspension or ignoring of collective agreements and its dismissals of union members and leaders.

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 STSS-led mediation, a practice that prolonged the

mediation process and impeded the right to strike. There were allegations that companies used collective pacts, which are collective contracts with nonunionized workers, to prevent unionization and collective bargaining because only one collective contract can exist in each workplace. Unions also raised concerns about the use of temporary contracts and part-time employment, suggesting that employers used these mechanisms to prevent unionization and avoid providing full benefits. A Supreme Court ruling requires that both unions and employers notify the STSS of new collective agreements before they go into effect.

Antiunion discrimination continued to be a serious problem. The three major union federations and several civil society groups noted that many companies continued to violate the law despite being fined by government authorities for violations of the labor code. Some failed to remedy violations despite multiple visits by STSS inspectors. Local unions, the AFL-CIO's Solidarity Center, and other organizations reported that some employers harassed union leaders in attempts to undermine union operations.

The Solidarity Center reported threats against several labor leaders, including a public-sector labor union leader. The Antiunion Violence Network reported more than 50 cases of antiunion violence, including the killing of a trade unionist during protests by the education and health sectors.

Labor activists alleged that automotive component producer Honduras Electrical Distribution Systems (Kyungshin Lear) refused to engage in collective bargaining. Some companies in other sectors, including the melon and palm industries, established employer-controlled unions that prevented the formation of independent unions because of legal restrictions on the number of unions and collective bargaining agreements allowed per company.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced labor, but the government did not effectively implement or enforce these laws. Administrative penalties were insufficient to deter violations and were rarely enforced. Penalties for forced labor under antitrafficking law range from 10 to 15 years' imprisonment, but authorities often did not enforce them.

Forced labor occurred in street vending, domestic service, the transport of drugs and other illicit goods, and other criminal activity. Victims were primarily impoverished individuals in both rural and urban areas (see section 7.c.). The law

requiring prisoners to work at least five hours a day, six days a week took effect in 2016. Regulations for implementing the law were still under development as of September. The Secretariat of Human Rights stated it was taking every precaution to protect prisoners' rights and assure that the work provided opportunities for prisoners to develop skills they could use in legal economic activities after their release.

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

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all of the worst forms of child labor. The law regulates child labor, sets the minimum age for employment at 14, and regulates the hours and types of work that minors younger than 18 may perform. By law all minors between the ages of 14 and 18 in most industries must receive special permission from the STSS to work, and the STSS must perform a home study to verify that there is an economic need for the child to work and that the child not work outside the country or in hazardous conditions, including in offshore fishing. The STSS approved 91 such authorizations through September. The vast majority of children who worked did so without STSS permits. If the STSS grants permission, children between 14 and 16 may work a maximum of four hours a day, and those between 16 and 18 may work up to six hours a day. The law prohibits night work and overtime for minors younger than 18, but the STSS may grant special permission for minors between the ages of 16 to 18 to work in the evening if such employment does not adversely affect their education.

The law requires individuals and companies that employ more than 20 school-age children at their facilities to provide a location for a school.

The government did not effectively enforce the law. Fines for child labor were not sufficient to deter violations. The law also imposes prison sentences of three to five years for child labor violations that endanger the life or morality of a child. The STSS completed 74 inspections and 19 verification inspections as of September and sanctioned two companies for not correcting noncompliant child labor practices.

Estimates of the number of children younger than 18 in the country's workforce ranged from 370,000 to 510,000. Children often worked on melon, coffee, okra, and sugarcane plantations as well as in other agricultural production; scavenged at

garbage dumps; worked in the forestry, hunting, and fishing sectors; worked as domestic servants; peddled goods such as fruit; begged; washed cars; hauled goods; and labored in limestone quarrying and lime production. Most child labor occurred in rural areas. Children often worked alongside family members in agriculture and other work, such as fishing, construction, transportation, and small businesses. Some of the worst forms of child labor occurred, including commercial sexual exploitation of children, and NGOs reported that gangs often forced children to commit crimes, including homicide (see section 6, Children).

Also 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> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination based on gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or national origin, language, nationality, religion, family affiliation, family or economic situation, disability, health, physical appearance, or any other characteristic that would offend the victim's human dignity. Penalties include prison sentences of up to five years and monetary fines. The law prohibits employers from requiring pregnancy tests as a prerequisite for employment; penalties were not sufficient to deter violations. The government did not effectively enforce these laws and regulations.

Many employers discriminated against women. Persons with disabilities, indigenous and Afro-Honduran persons, LGBTI persons, and persons with HIV/AIDS also faced discrimination in employment and occupation (see section 6).

#### **e. Acceptable Conditions of Work**

There are 42 categories of monthly minimum wages, based on the industry and the size of a company's workforce; the minimum average is above the poverty line. The law does not cover domestic workers.

The law applies equally to citizens and foreigners, regardless of gender, and prescribes 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 provides for paid national holidays and annual leave. The law requires overtime



pay, bans excessive compulsory overtime, limits overtime to four hours a day for a maximum workday of 12 hours, and prohibits the practice of requiring workers to complete work quotas before leaving their place of employment. The law does not protect domestic workers effectively. In many industries, including agriculture, cleaning, 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 no matter how many additional hours they worked. In the agricultural sector, companies frequently paid less than minimum wage to most workers, with less than 1 percent of agricultural workers receiving the minimum wage. In security and domestic service sectors, workers were frequently forced to work more than 60 hours per week but paid only for 44 hours. Through August the STSS recovered 761 million lempiras (\$30 million) in overtime payments for 139,135 workers.

Occupational safety and health standards were current but not effectively enforced. By law workers may remove themselves from situations that endanger their health or safety without jeopardizing continued employment. Under the new inspection law, the STSS has the authority temporarily to shut down workplaces where there is an imminent danger of fatalities. There were not enough trained inspectors, however, to deter violations sufficiently.

The STSS is responsible for enforcing the national minimum wage, hours of work, and occupational health and safety laws, but it did so inconsistently and ineffectively. Civil society continued to raise issues of minimum wage violations, highlighting agricultural companies in the south as frequent violators. The 2017 inspection law permits fines, and while the monetary penalty is sufficient to deter violations, the failure of the government to collect those fines facilitated continued labor code violations. As part of the monitoring and action plan agreed between Honduras and a foreign government, the government increased the STSS budget to approximately 79.4 million lempiras (three million dollars). As of September inspectors conducted 14,039 total inspections, including 1,345 unannounced inspections. As of November the STSS had an insufficient number of inspectors to enforce the law effectively.

The STSS reported a significant reduction in company obstruction of labor inspectors, with 226 cases through September. Because labor inspectors continued to be concentrated in Tegucigalpa and San Pedro Sula, full labor inspections and follow-up visits to confirm compliance were far less frequent in other parts of the country. Many inspectors asked workers to provide them with transportation so that they could conduct inspections, since the STSS did not have sufficient

resources to pay for travel to worksites. Credible allegations of corruption in the Secretariat of Labor continued.

Authorities did not effectively enforce worker safety standards, particularly in the construction, garment assembly, and agricultural sectors, as well as in the informal economy. Employers rarely paid the minimum wage in the agricultural sector and paid it inconsistently in other sectors. Employers frequently penalized agricultural workers for taking legally authorized days off.

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

There continued to be reports of violations of occupational health and safety law affecting the approximately 5,000 persons who made a living by diving for seafood such as lobster, conch, and sea cucumber, most from the Miskito indigenous community and other ethnic minority groups in Gracias a Dios Department. The violations included lack of access to appropriate safety equipment. Through September the STSS inspected 15 fishing boats.