

HONDURAS 2020 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 in January 2018. International observers generally recognized the elections as free but disputed the fairness and transparency of the results.

The Honduran National Police 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 national police and other civilian authorities. Some larger cities have police forces that operate independently of the national police and report to municipal authorities. The Military Police of Public Order report to military authorities but conduct operations sanctioned by civilian security officials as well as by military leaders. The National Interinstitutional Security Force is an interagency command that coordinates the overlapping responsibilities of the national police, military police of public order, National Intelligence Directorate, and Public Ministry during interagency operations. Although the Interinstitutional Security Force reports to the National Security and Defense Council, it plays a coordinating role and did not exercise broad command and control functions over other security forces except during interagency operations involving those forces. Civilian authorities at times did not maintain effective control over security forces. Members of the security forces committed some abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings; torture and cases of cruel, inhuman, or degrading treatment or punishment; 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; serious acts of corruption including by high level officials; lack of investigation of and accountability for violence against women; and threats and violence against indigenous, Afro-descendant communities, and lesbian, gay, bisexual, transgender, and intersex persons.

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

The national curfew and shutdown of government offices in response to COVID-19 severely hampered government efforts to address abuses during most of the year.

Organized-crime groups, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of homicide, torture, kidnapping, extortion, human trafficking, intimidation, and other threats and violence directed against human rights defenders, judicial authorities, lawyers, business community members, journalists, bloggers, women, and other vulnerable populations. The government investigated and prosecuted many of these crimes, particularly through the national police'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. The reported killings took place during law enforcement operations or were linked to other criminal activity by government agents. The Ministry of Security's Directorate of Disciplinary Police Affairs (DIDADPOL) investigated members of the Honduran National Police (HNP) accused of human rights abuses. The Office of the Inspector General of the Armed Forces and the Humanitarian Law Directorate investigated and arrested members of the military 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 Autonomous University of Honduras Violence Observatory reported 13 arbitrary or unlawful killings by security forces during the year. The Public Ministry reported five such cases undergoing trial, with four cases in the sentencing phase of trial. Five other cases were under investigation. DIDADPOL conducted internal investigations of HNP members in a continuation of the police purge begun in 2016.

On September 16, the Public Ministry filed an indictment against army military police officer Josue Noe Alvarado Giron for the April 24 murder of Marvin Rolando Alvarado Santiago at a military roadblock in Omoa, Cortes. Josue Alvarado allegedly shot Marvin Alvarado after a heated discussion over Marvin

Alvarado's failure to wear a mask during the COVID-19 pandemic. Josue Alvarado was assigned to Task Force Maya Chorti.

On February 4, media reported unknown assailants shot and killed three National Party local leaders in three separate incidents within five days in Tegucigalpa: Oscar Obdulio Licona Ruiz on January 31 and Dagoberto Villalta and Marcial Martinez on February 4.

The government continued to prosecute individuals allegedly involved in the 2016 killing of environmental and indigenous activist Berta Caceres. The legal process against Roberto David Castillo Mejia, one of the alleged intellectual authors of the killing, continued slowly due to motions and appeals by the defense, and Castillo remained incarcerated. On November 23, the court halted the presentation of evidence hearing after the defense filed an appeal. The appeals court would have to rule on the motion before the trial could move forward.

Reports of violence related to land conflicts and criminal activity continued. On April 2, a private security guard for the sugar company La Grecia shot and killed land rights defender Iris Argentina Alvarez Chavez during a confrontation between land rights defenders and private guards. Police later arrested the guard accused of killing Alvarez.

Organized-crime organizations, such as 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 the highest rates of violence.

b. Disappearance

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

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

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

The Committee of Relatives of the Disappeared in Honduras (COFADEH) reported 28 cases of alleged torture by security forces through September, while the Public Ministry received three such reports. The quasi-governmental National Committee for the Prevention of Torture, Cruel, Inhuman, or Degrading Treatment (CONAPREV) received 210 complaints of the use of torture or cruel and inhuman treatment, many related to the enforcement of the national curfew during the COVID-19 pandemic. COFADEH reported police beat and smeared a tear gas-covered cloth on the face of an individual detained for violating the national curfew in April in El Paraiso.

Corruption along with a lack of investigative resources and judicial delays led to widespread impunity, including in security forces. DIDADPOL investigated abuses by police forces. The Office of the Inspector General of the Armed Forces and the Humanitarian Law Directorate investigated abuses by the military. The National Human Rights Commission of Honduras received complaints about human rights abuses and referred them to the Public Ministry for investigation. The Secretariat of Human Rights provided training to security forces to increase respect for human rights. Through September the secretariat trained 2,764 law enforcement officials in human rights and international humanitarian law.

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 2, the total prison population was 21,675 in 25 prisons and three detention centers. According to the secretariat, the system had a designed capacity for approximately 10,600 inmates.

The National Prison Institute (INP) reported 12 violent deaths. On June 11, alleged members of the 18th Street gang in the National Women's Penitentiary in Tegucigalpa killed six alleged members of the MS-13 gang.

As of September the Secretariat of Human Rights reported the country's three pretrial detention centers held 79 individuals. These INP-administered centers

were on military installations and received some support services from the military. 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 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, 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.

In response to the pervasive violence in the prison system, the government declared an emergency in the National Penitentiary System in December 2019. The emergency decree instituted the Interinstitutional Force as an auditing commission for the penitentiary system. This force is composed of active members of the army and national police. Despite the emergency decree, CONAPREV reported that violence in the prison system continued unabated.

Authorities did not generally segregate those with tuberculosis or other infectious diseases from the general prison population; as of September the INP reported 153 prisoners were being treated for tuberculosis. The lack of space for social distancing combined with the lack of adequate sanitation made prison conditions even more life threatening during the COVID-19 pandemic. The Office of the UN High Commissioner for Human Rights reported 1,695 cases of COVID-19 in 25 prisons as of September, including cases among medical personnel, security personnel, and administrators. CONAPREV reported 27 prisoner deaths due to COVID-19 through August. There was only limited support for persons with mental illnesses or disabilities. CONAPREV reported every prison had a functioning health clinic with at least one medical professional, but basic medical supplies and medicines 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: The judicial system was legally responsible for monitoring prison conditions and providing for the rights of prisoners. The government tasks CONAPREV with visiting prisons and making recommendations for protecting the

rights of prisoners. CONAPREV conducted more than 84 visits to adult prisons as of the end of August. 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.

Improvements: Through August, CONAPREV trained 494 technical, administrative, and security personnel on topics including prison management and human rights.

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: In response to the COVID-19 pandemic, the government instituted a national curfew, suspending constitutional provisions and limiting the free movement of individuals. Peace Brigades International (PBI) reported more than 34,000 persons were detained for violating the curfew. The Human Rights Board condemned some of these arrests as arbitrary under the guise of curfew enforcement. According to the Center for the Investigation and Promotion of Human Rights, on March 24, police arbitrarily detained Evelyn Johana Castillo, sub-coordinator of the Women's Network of Ojojona and member of the National Network of Defenders of Human Rights. Castillo was returning from the market at 3:30 p.m. when a police officer arrested her for violating the curfew, even though the curfew did not start until 7:00 p.m. Castillo said the arrest was a reprisal for an encounter a few days previously, when Castillo confronted the officer who was attempting to expel a vendor from a park. The Public Ministry reported 15 cases of alleged illegal detention or arbitrary arrest as of November.

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 significantly raised salaries during the year and made improvements in transparency. Powerful special interests, including organized-crime 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 from 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 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 credible 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. An independent press and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Speech: 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.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction. A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the major news media.

The government allocated a budget of nearly 12.6 million lempiras (\$526,000) for the continued operation of a protection mechanism that included provision of protection to journalists. By August it had provided protection to two journalists, among other types of activists and human rights defenders. Some nongovernmental organizations (NGOs) expressed concern about weak implementation of the law and limited resources available to operate the government's protection mechanism. Civil society organizations criticized 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 lesbian, gay, bisexual, transgender, and intersex (LGBTI) community.

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

On July 1, unknown assailants on a motorcycle shot and killed television journalist German Vallecillo and cameraman Jorge Posas in La Ceiba. Police arrested Ramon David Zelaya Hernandez on July 4 and Edward David Zalavarria Galeas on July 6 as the two main suspects in the killings. Both suspects were alleged members of a criminal organization involved in drug trafficking.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and 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. The government limited freedom of peaceful assembly under the national curfew imposed in reaction to the COVID-19 pandemic.

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 time. 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 the government at times used a policy of arbitrary detentions or arrests to inhibit protest. Under the national emergency and corresponding curfew, the government suspended the constitutional right to peaceful assembly. The curfew severely limited freedom of movement and banned large gatherings.

COFADEH reported an increase of complaints regarding the use of excessive and disproportionate force by security forces under the national curfew. During April, the first full month of the curfew, COFADEH reported 11,471 complaints of arbitrary actions by security forces, mainly abusive detentions for curfew violators. The PBI reported an incident on April 23 near Tela, Atlantida Department, involving the alleged use of live rounds by police in response to a protest, injuring two individuals. On May 5, the DIDADPOL director noted his office had not received a formal complaint, and he asserted two official police reports from the incident did not corroborate the PBI's account.

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 moderate fine 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 about 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. The national curfew instituted in response to COVID-19, however, severely limited the freedom of internal movement.

In-country Movement: Under the national curfew from March 16, the government limited freedom of movement by allowing individuals to move outside their homes one day every two weeks. Starting November 9, the government temporarily suspended the curfew to facilitate Tropical Depression Eta response efforts. Unrelated to the curfew, there were areas where authorities could not assure freedom of movement because of criminal activity and a lack of significant government presence.

e. Status and Treatment of Internally Displaced Persons

In 2019 the Internal Displacement Monitoring Center NGO estimated there were approximately 247,000 internally displaced persons (IDPs) in the country due to violence. 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 Persons 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, with significant support from the Office of the UN High Commissioner for Refugees (UNHCR), the government continued to build capacity to provide services to key population groups, including IDPs, those at risk of forced displacement, refugees, and returned migrants, through 14 commitments and 28 specific actions between 2018 and 2020.

f. Protection of Refugees

The government cooperated with UNHCR and other humanitarian organizations that provide protection and assistance to refugees and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Transiting migrants and asylum seekers with pending cases were vulnerable to abuse by criminal organizations. The legal framework for granting international protection fails to establish long-term safeguards for recognized refugees, since they are issued the same residence permit as other migration categories.

Access to Asylum: The law provides for the granting of asylum or refugee status. The government had a nascent system to provide protection to refugees. The shutdown of government offices in response to the COVID-19 pandemic caused a substantial delay in the processing of asylum cases, with no cases fully adjudicated of 53 new applications received through August. The Refugee Commission suspended operations shortly after the onset of the pandemic but began reviewing applications again as of June. The National Migration Institute secretary general, responsible for final case determinations, had not resumed this function as of October.

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 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 Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and

they did participate. Women held 21 percent of seats in the National Congress, down from 26 percent prior to the 2017 elections. At the local level, only 7 percent of elected mayors were women, but women represented 76 percent of the elected vice mayors.

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 remained an area of concern, as did the government's ability to protect justice sector officials, such as prosecutors and judges.

Following months of negotiation, the government and the OAS did not reach an agreement to maintain the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), and its mandate expired in January. The Public Ministry created a new anticorruption unit, the Special Prosecution Unit against Corruption Networks, which is charged with pursuing MACCIH legacy corruption cases.

Corruption: On March 13, the Supreme Court of Justice ordered a new trial for former first lady Rosa Elena Bonilla de Lobo, spouse of former president Porfirio Lobo, who was convicted in August 2019 of fraud and misappropriation of public funds and sentenced to 58 years in prison. The Supreme Court of Justice cited the presence of MACCIH personnel during Public Ministry investigations, including in the execution of search warrants in violation of the law. A specialized anticorruption sentencing tribunal ordered her release from pretrial detention on July 23. As of September no new trial date had been set. On August 5, an appeals court dismissed charges against 22 defendants indicted in the so-called Pandora case, a 2013 scheme that allegedly funneled 289.4 million lempiras (\$12 million) in government agricultural funds to political campaigns. The appeals court ruled the cases of former agriculture minister Jacobo Regalado and three members of his staff should proceed to trial.

During the year the National Anticorruption Council reported numerous irregularities in the purchase of emergency medical supplies during the pandemic.

The council presented 11 reports in a series called, *Corruption in the Times of COVID-19*. The reports alleged illicit gains of more than 1.64 billion lempiras (\$68 million) by government officials in the purchase of medical supplies. Invest-H, the agency in charge of purchasing medical supplies during the pandemic, purchased seven mobile hospitals for 1.13 billion lempiras (\$47 million), more than 289.4 million lempiras (\$12 million) above the manufacturer's quoted price. The director of Invest-H, Marco Antonio Bogran Corrales, resigned from his position in July and was indicted in October on two corruption charges for embezzling an estimated 1.3 million lempiras (\$54,000) in public funds and funneling a contract for mobile hospitals to his uncle. Authorities arrested Bogran on October 5 and released him on October 8 on bail pending trial. The director of the national disaster management agency, Gabriel Rubi, was removed from his position in April.

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.

Government Human Rights Bodies: A semiautonomous commissioner for human rights, Roberto Herrera Caceres, served as an ombudsman and investigated complaints of human rights abuses. With offices throughout the country, the ombudsman received cases that otherwise might 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. The Public Ministry also has 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 women or men, 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 Autonomous University of Honduras Violence Observatory statistics, killings of women decreased under the national curfew in response to the COVID-19 pandemic. The Violence Observatory reported 55 killings of women from March 15 to June 6, compared with 102 for the same period in 2019. The Secretariat of Human Rights noted an exponential increase in gender-based violence and domestic violence during the national curfew. Statistics from the National Emergency System's call center showed the country was on pace for more than 100,000 reports of domestic violence during the year.

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, such as removal of the abuser from the home and prohibiting the abuser from visiting the victim's work or other frequently visited places. 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. With high rates of impunity, including 90 percent for killings of women in the last 15 years according to the Violence Observatory, civil society groups reported that women often did not report domestic violence, or withdrew the charges, 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, Public Ministry, National Police, and Secretariat of Health attempted to enhance their responses 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.

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 on the part of government authorities.

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 June the Violence Observatory reported killings of 71 persons younger than 18.

Child, 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, remained 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 substantial fines. 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 groups, domestic violence, attempted kidnappings, family members' involvement in drug dealing, victimization by traffickers, rape including commercial sexual exploitation by gangs, discrimination based on sexual orientation or gender identity, sexual harassment, and discrimination for having a chronic medical condition.

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 approximately 275 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 Persons 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.

Children with disabilities attended school at a lower rate than the general population. World Bank statistics put net enrollment for primary school above 90 percent, but the National Center for Social Sector Information stated that 43 percent of persons with disabilities received no formal education.

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, Nahual, 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.

On January 10, unknown assailants shot and killed Tolupan indigenous leader Vicente Saavedra in Morazan, Yoro Department. On June 19, Garifuna leader Antonio Bernardez was found dead from bullet wounds six days after his disappearance. Bernardez was a leader in the Punta Piedra community. Police were investigating the killings.

On July 18, heavily armed men kidnapped five men from their homes in the town of Triunfo de la Cruz. The victims were land-rights defenders from the Afro-descendant Garifuna minority group. According to witnesses, the kidnappers wore police investigative branch uniforms. Authorities launched an investigation and made one arrest in connection with the kidnappings in July and five more arrests in September.

Ethnic minority rights leaders, international NGOs, and farmworker organizations continued to claim 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-descendant 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.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The Association for a Better Life and the Cattrachas Lesbian Network both reported 16 violent deaths of LGBTI persons as of September. On July 10, unidentified assailants shot and killed transgender activist Scarleth Campbell in Tegucigalpa. Campbell was an LGBTI activist and member of the Rainbow Dolls, an organization that fought violence and discrimination against members of the LGBTI community.

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. 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 reported cases from 2009 through 2019 of hate crimes and violence against members of the LGBTI population, 92 percent had gone unpunished.

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, increasing their vulnerability to violence and extortion. The COVID-19 lockdown and curfew affected sex workers' income and further exacerbated existing vulnerabilities. Underscoring heightened risks facing transgender women involved in sex work, the PBI cited three alleged incidents where security forces degraded transgender women for violating the nationwide COVID-19 curfew, including by striking at least one of the individuals. Transgender individuals noted their inability to update identity documents to reflect their gender identity.

HIV and AIDS Social Stigma

Persons with HIV and AIDS continued to be targets of discrimination, and they suffered disproportionately from gender-based violence.

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. 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 commensurate with those for other laws involving denials of civil rights, such as discrimination, the failure of the government to collect those fines facilitated continued labor law violations. In all of 2019, the STSS levied fines of more than 38.1 million lempiras (\$1.58 million) but collected only 755,000 lempiras (\$31,300). 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 may 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.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced labor, but the government did not effectively implement or enforce the law. 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, commensurate with penalties for other analogous serious crimes, such as kidnapping, but authorities often did not enforce them.

Forced labor occurred in street vending, domestic service, the transport of drugs and other illicit goods, other criminal activity, and the informal sector. Victims were primarily impoverished individuals in both rural and urban areas (see section 7.c.). Children, including from indigenous and Afro-descendant communities, particularly Miskito boys, were at risk for forced labor in the fishing, mining, construction, and hospitality industries. 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 remained 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 age 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 43 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 and not commensurate with penalties for other analogous serious crimes, such as kidnapping. 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 13 inspections as of March and did not find any minors working without permission. Due to pandemic restrictions imposed in March, the STSS was very limited in its ability to conduct inspections.

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, although penalties were commensurate with laws related to civil rights, such as election interference. The law states that a woman's employment should be appropriate according to her physical state and capacity. There were no reports of this law being used to limit women's employment.

Many employers discriminated against women. Persons with disabilities, indigenous and Afro-Honduran persons, LGBTI persons, and persons with HIV or 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 was 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 fewer 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.

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; however, there were not enough trained inspectors to deter violations sufficiently. Inspectors suspended inspections in March under the national curfew in response to the COVID-19 pandemic. Inspectors began undergoing virtual training in new technology in March in response to the challenges brought about by the pandemic and national curfew.

The STSS is responsible for enforcing the national minimum wage, hours of work, and occupational health and safety law, but it did so inconsistently and ineffectively. Civil society continued to raise problems with minimum wage violations, highlighting agricultural companies in the south as frequent violators. The law permits fines, and while the monetary penalty is sufficient to deter violations and commensurate with the penalties for similar crimes, such as fraud, the failure of the government to collect those fines facilitated continued labor code violations. As of September inspectors conducted 4,102 total inspections, including 268 unannounced inspections, compared with 14,039 total inspections for the same time period in 2019. The number of inspections dropped severely from 2019 as a result of the national curfew imposed during the COVID-19 pandemic. As of November the STSS had an insufficient number of inspectors to enforce the law effectively.

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 could not pay for travel to worksites. Credible allegations of corruption in the Secretariat of Labor continued.

The government did not effectively enforce occupational safety and health (OSH) standards, particularly in the construction, garment assembly, and agricultural sectors, as well as in the informal economy. Penalties for violations of OSH law were commensurate with penalties for similar crimes. There was no information available on any major industrial accidents. 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. Health-care workers protested the lack of adequate protective equipment

and delayed salary payments during the COVID-19 pandemic. The Federation of Agroindustry Workers' Unions reported massive layoffs and cancelation of contracts in the maquila sector during the pandemic without providing welfare benefits.

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.