

HONDURAS 2018 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.

Civilian authorities at times did not maintain effective control over the security forces.

Human rights issues included reports of arbitrary and unlawful killings; complaints of 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 took steps to prosecute and punish officials who committed abuses. Impunity existed in many cases, however, as evidenced by lengthy judicial processes, few convictions of perpetrators, and failures to prosecute intellectual authors of crimes.

Organized criminal elements, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of homicide, extortion, kidnapping, torture, 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.

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 Violence Observatory of the Autonomous University of Honduras (UNAH) reported 16 deaths involving security forces during the first six months of the year. These included eight deaths involving the Honduran National Police (HNP) and eight involving the military.

On September 6, 2nd Lieutenant Chemis Xavier Paz Cruz, assigned to the 5th Battalion of the Military Police for Public Order (PMOP), was convicted of the 2016 murder of Elias Jireh Elver during a patrol in Tegucigalpa. Paz's sentencing was pending at year's end.

Following months of investigations into postelection violence, the HNP and the Public Ministry's Technical Agency for Criminal Investigations (ATIC) concluded 22 investigations into alleged human rights violations by members of both the HNP and PMOP and passed the cases to the Public Ministry for possible prosecution. The Public Ministry launched 17 cases related to abuse of authority in August, noting that more cases would be forthcoming. On September 18, the Public Ministry announced the first case against an HNP officer for the death of a protester.

The government continued to investigate the 2016 killing of environmental and indigenous activist Berta Caceres. On March 2, the Public Ministry's ATIC arrested a ninth suspect, Roberto David Castillo Mejia, the former president of the company building the Agua Zarca dam, which Caceres had long opposed. Throughout the year both the Caceres family private attorneys and the defense team complained the Public Ministry restricted access to evidence. Both legal parties asserted their right to review additional evidence that investigators had collected but not analyzed, including electronics such as laptops, cell phones, memory sticks, and tablets. On August 24, the three-judge tribunal ordered the Public Ministry to grant the prosecution and defense access to the requested evidence. The oral hearings for the first eight individuals accused of planning and executing the murder of Berta Caceres, scheduled to begin on September 17, were delayed due to legal motions filed by the Caceres family's attorneys that called for removal of the three presiding judges. An appellate court denied the motion to dismiss the judges, and oral hearings began on October 20. On November 29, the court convicted seven of the eight defendants of murder and fully acquitted the eighth. The defendants were expected to appeal the verdict.

There continued to be reports of violence related to land conflicts and criminal activity in the Bajo Aguan region, but the overall level of violence in the area was far below its 2012 peak. On September 7, collaboration among the government's Bajo Aguan Task Force, INTERPOL, and Mexican law enforcement authorities resulted in the arrest and extradition from Mexico to Honduras of Osvin Naun Caballero Santamaria. Caballero was a suspect in several crimes, including the 2016 killings of Jose Angel Flores and Silmer Dionisio George, two leaders of the Unified Peasant Movement of the Bajo Aguan (known as MUCA).

Organized criminal elements, including drug traffickers and local and transnational gangs such as 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 UNAH Violence Observatory reported that as of June, 82 individuals working in the transportation sector had been killed, including 49 taxi, bus, and motorcycle taxi drivers and 33 private company drivers.

On September 5, the HNP reported a national homicide rate of 39.6 per 100,000 inhabitants for the months of January to August. The UNAH Violence Observatory projected a final homicide rate of approximately 40 per 100,000 inhabitants through year's end. Reports linked many of these homicides to organized crime and 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. In July the HNP rescued a nine-year-old child within 72 hours of his abduction in El Negrito, Yoro Department. The HNP reported 15 kidnappings through August, a 35 percent decrease from the same period in 2017. The HNP reported it rescued 11 of the 15 kidnap victims. The HNP recovered an additional person through negotiations, one victim remained captive, and two victims were killed while in captivity. The HNP estimated that it prevented more than 58.6 million lempiras (\$2.44 million) in ransom payments to kidnapers between January and August.

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 quasi-governmental National Committee for the Prevention of Torture, Cruel, Inhuman, or Degrading Treatment (CONAPREV) reported two complaints of torture or cruel, inhuman, or degrading treatment.

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 Ministry of Human Rights reported that, as of September 20, the total prison population was 20,506 in 27 prisons. According to the ministry, the system had designed capacity for approximately 10,600 inmates.

The National Prison Institute (INP) reported that as of September, 23 inmates had died in prison (16 from natural causes, four from violence, two from accidents, and one from suicide). The INP reported no deaths involving prison officials. CONAPREV registered 25 deaths through September and confirmed four inmates died from violence within the prison.

As of September the Ministry of Human Rights reported that the country's three pretrial detention centers held 62 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. Pretrial detainees were often held with convicted prisoners.

There was pervasive gang-related violence, and the government failed to control criminal activity effectively within the prisons. Some 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.

Through October 2018 the national prisons had approximately 1,160 female prisoners, 810 of whom the government detained at the National Women's Social Adjustment penitentiary. Others were held in separate areas of men's prisons. Children younger than age three could stay with their mothers in prison.

Authorities did not segregate those with tuberculosis or other infectious diseases from the general prison population; there was only limited support for persons with mental illnesses or disabilities. As of September officials reported that 151 prisoners were being treated for tuberculosis. Officials also stated that all penitentiary centers had an antiretroviral treatment program. CONAPREV reported that every prison had a functioning health clinic with at least one medical professional. 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 September the INP reported no formal complaints for mistreatment of detainees, although CONAPREV alleged 39 possible cases of torture or cruel, inhuman, or degrading treatment. Authorities conducted no official investigations of mistreatment because they received no formal complaints. Media reports noted that family members often face long delays or are 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 seven visits to juvenile detention facilities 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 September the INP trained 435 technical, administrative, and security personnel working in 13 prisons on topics such as 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.

Role of the Police and Security Apparatus

The HNP maintains internal security and reports to the Secretariat of Security. ATIC has legal authority to investigate 21 types of crimes and make arrests. The armed forces, which report to the Secretariat of Defense, are responsible for external security but also exercise some domestic security responsibilities. Some larger cities have independent police forces that supplement the HNP and report to municipal authorities. The PMOP reports to military authorities but conducts operations sanctioned by civilian security officials as well as by military leaders. As of September the PMOP had approximately 4,500 personnel organized into eight of 10 planned battalions and was present in all 18 departments. The National Interinstitutional Security Force (FUSINA) coordinates the overlapping responsibilities of the HNP, PMOP, National Intelligence Directorate, Public Ministry, and national court system. FUSINA reports to the National Security and Defense Council. The president chairs the council, which includes representatives of the Supreme Court, National Congress, Public Ministry, and Secretariats of Security and Defense.

Civilian authorities at times did not maintain effective control over the security forces. The government took steps to investigate and punish abuses, but corruption and inefficiency resulted in impunity in many cases. The armed forces surrendered members accused of human rights violations to civilian authorities. The armed forces sometimes dishonorably discharged such individuals, even before a criminal trial. The Public Ministry, primarily through the Office of the Special Prosecutor for Crimes against Life, is responsible for investigating cases in which a government agent is allegedly responsible for killing a civilian. Prosecutors try such cases in civilian courts. Prosecutors and judges attached to FUSINA prosecute and hear cases related to FUSINA operations. A unit within the Office of the Special Prosecutor for Crimes against Life manages some cases of homicides committed by members of the security forces and government officials. The human rights office of the joint staff of the armed forces investigates allegations of human rights abuses by members of the armed forces.

The human rights office of the joint staff of the armed forces reported that in 2017 more than 6,200 members of the armed forces, including the army, navy, air force, PMOP, and others, received training on human rights. Through June more than 5,800 members of the armed forces received human rights training from military and nongovernmental organization (NGO) instructors.

Corruption and impunity remained serious problems within the security forces. Some members of security forces allegedly committed crimes, including crimes linked to local and international criminal organizations. The Public Ministry's ATIC investigated some criminal cases involving HNP officers.

As of November the Police Purge Commission reported that, since its creation in 2016, it had referred for removal or provisional suspension more than 5,600 police officers on various grounds including corruption, criminal activity, and poor performance.

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. 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 a 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. 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 authorities did not always abide by these requirements.

Arbitrary Arrest: The Public Ministry reported 49 cases of illegal detention or arbitrary arrest as of October. As of September the National Human Rights Commission of Honduras (CONADEH) reported 16 cases of arbitrary arrest by the HNP, two by the DPI, and six by the armed 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. Powerful special interests, including organized criminal groups, exercised influence on the outcomes of some court proceedings.

On September 13, the Supreme Court accepted an appeal by the defense attorneys of six former members of the court, including its former president Jorge Rivera Aviles, to grant the accused freedom from pretrial detention after one month in jail. Charges against the six former court officials included several counts of misappropriation of funds and abuse of authority. The legal proceedings against the six were ongoing as of October.

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 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. As of September CONAPREV registered two alleged cases of illegal entry by government officials.

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 (see section 6, Indigenous People).

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, hate, 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.

In September congress repealed Article 335-B of the law, which criminalized hate speech and language inciting terrorism, due to concern that this article could be used to target journalists and members of civil society for expressing views critical of the government. Media associations and NGOs praised the congressional action.

Violence and Harassment: There were continued reports of harassment and threats against journalists, media figures, and bloggers. NGO Peace Brigades International registered a significant increase in reports of harassment against journalists and social communicators since 2017. They registered 41 security incidents involving journalists and social commentators between January and August, nearly twice the number of complaints registered during the same period in 2017. Reports linked most of these instances of harassment and threats to organized criminal elements and gangs.

Government officials at all levels publicly denounced violence and threats of violence against media members and social communicators. UNAH's Violence Observatory reported no killings of journalists and social communicators during the first six months of the year, as compared with two such killings in 2017. There were many reports of intimidation and threats against media members and their families, including from members of the security forces and organized crime. It was usually unclear whether violence and threats against journalists were linked to their work or were products of generalized violence.

Human rights defenders, including indigenous and environmental rights activists, political activists, labor activists, and representatives of civil society working to combat corruption, reported threats and acts of violence. Civil society organizations, including students, agricultural workers groups, and indigenous rights groups, criticized the government and its officials for allegedly criminalizing and stigmatizing social protest. Members of the Police Purge Commission, National Anticorruption Council (CNA), and Public Ministry's anticorruption unit (UFECIC) all reported receiving threats. The Agroindustrial Worker's Federation, a labor syndicate, reported two cases of threats against union leaders (see section 7.a.).

The government allocated a budget of nearly 25 million lempiras (\$1.04 million) for the operation of its protection mechanism. By August it had 34 permanent and contract staff. The mechanism approved 219 protection cases, including 131 human rights defenders, 39 journalists, 30 social commentators, and 19 justice-sector workers. As of August 31, the mechanism had received 122 new requests for protection, of which 104 met legal requirements and were accepted. Of the 104 accepted cases, eight were closed during the year. The remaining 96 cases included 52 human rights defenders, 14 journalists, 21 social commentators, and 9 justice-sector workers. Some NGOs continued to express concern about weak implementation of the law and limited resources available to operate the government's protection mechanism for human rights defenders. Civil society organizations continued to criticize the government's failure to investigate threats against activists and journalists adequately.

The HNP's Violent Crimes Task Force investigated crimes against high-profile and particularly vulnerable victims, including judges, journalists, human rights activists, and members of the LGBTI community. As of November the task force had submitted 19 cases to the Public Ministry, arrested 42 persons, and obtained six 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.

National Security: The Organization of American States (OAS) Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) continued to raise concerns regarding the law for the classification of public documents related to defense and national security (the Secrets Law). MACCIH called on the government either to amend the law or pass a new one. According to MACCIH representatives, the law prohibits authorities from fully investigating government contracts and funds, enabling government institutions to misuse an overly broad classification system under the guise of “national security” to hide potential illicit activity in such areas as the security tax fund, water authority, and social security administration. Civil society organizations supported MACCIH’s calls to reform the law.

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 activists, civil society organizations, and journalists 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 there were credible reports that the government monitored private online communications. According to the International Telecommunication Union, in 2017 approximately 32 percent of the population used the internet.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

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 had 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.

Law enforcement evictions of protesters, land rights activists, and others were generally conducted peacefully, although injuries to both protesters and law enforcement officers were occasionally reported. The NGO Peace Brigades International reported several instances of threats and intimidation by security forces, including a heavy military presence in disputed areas. Conversely, media sources reported in October that two soldiers were ambushed and killed near Tocoa, Colon, as they sought peacefully to remove protesters from blocking a road. No suspects were arrested, and it is unclear if the shooters were related to the protesters or linked with illicit groups.

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 (\$1,250 to \$2,500) 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 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 government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection

and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Transiting migrants were vulnerable to abuse by criminal organizations.

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.

Internally Displaced Persons (IDPs)

In 2017 the Internal Displacement Monitoring Center estimated there were approximately 190,000 IDPs in the country. In 2017 the National Human Rights Commission identified 339 cases of forced displacement and 349 cases of individuals at risk of forced displacement. 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 within the newly created Ministry of Human Rights, the government created the Directorate for the Protection of Persons Internally Displaced by Violence. Both the ministry and the commission focused on developing policies to address IDPs. Following up on the Comprehensive Refugee Response Framework conference that the government hosted in October 2017, the participants, including governments from across the region, agreed to the Regional Integral Framework for Protection and Solutions. Under the framework the government pledged 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.

Protection of Refugees

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

Access to Asylum: The law allows for the granting of asylum or refugee status. The government has established a system to provide protection to refugees, but at

times there were significant delays in processing provisional permits for asylum applicants.

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 26 elections. International observers generally agreed the elections were free but disputed the fairness and transparency of the results. The OAS and EU both fielded observer teams for the elections and agreed that the margin of victory separating incumbent President Hernandez from challenger Salvador Nasralla was extremely close. The OAS mission found that this small margin, combined with numerous irregularities in vote processing, left it unable to state with certainty who won the presidential election. The EU mission agreed that 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.

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.

Corruption: The Public Ministry's anticorruption unit (UFECIC) made several announcements of case investigations, including against former first lady Rosa Elena Bonilla de Lobo, spouse of former president Porfirio Lobo; the "fe de erratas" 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. UFECIC announced a fourth case in June, named "Pandora," in which 38 individuals, including a former secretary of agriculture and several members of congress, were accused of fraud, abuse of authority, misuse of public funds, and other corruption-related crimes.

On February 22, the CNA presented five of its highest-profile cases to the public, citing several public administration and elected officials, including a Supreme Court judge, a congressman, and former first lady Bonilla de Lobo. Following the announcement the CNA reported harassment campaigns and threats.

MACCIH, the CNA, and civil society organizations continued to press for the passage of legislation to combat corruption, but most legislative efforts stalled in congress.

Financial Disclosure: Public officials are subject to 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 disclosure law. The Public Ministry's Campaign Financing Unit, created in June 2017, conducted audits of 397 candidates, focusing on those who won their bids for election. The unit reported that 76 percent of candidates for public office reported on all campaign expenditures and that four cases were referred to the Public Ministry for investigation.

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. 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, rulings by the Inter-American Court of Human Rights and protection measures ordered by the court and 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. An independent Ministry of Human Rights was established in January and, despite operational challenges from its recent inception, has 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 March the Public Ministry also created the Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Officials. The Human Rights Committee is in the 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 Ministry 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.

The law provides penalties of up to four years in prison for domestic violence; however, if a victim's physical injuries do not reach the severity required to categorize the violence as a criminal act, the only 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.

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. The Violence Observatory reported the homicides of 119 children as of July 1.

Early and Forced Marriage: The minimum legal age of marriage for both boys and girls is 18 with parental consent. 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 age 12 is 15 to 20 years in prison, or nine to 13 years in prison if the victim is age 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 (\$41,700 to \$104,000). The law prohibits the use of children younger than age 18 for exhibitions or performances of a sexual nature or in the production of pornography.

Displaced Children: Many children lived on the streets. Casa Alianza estimated 15,000 children were homeless and living on the streets, primarily in major cities. 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.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 www.state.gov/j/tip/rls/tiprpt/.

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.

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.

Persons from indigenous and Afro-descendent communities continued to experience discrimination in employment, education, housing, and health services. An IACHR report noted that there were insufficient hospital beds and inadequate supplies at the only hospital that services the Gracias a Dios Department, home to the majority of the Miskito community.

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. LGBTI human rights NGOs alleged that the PMOP and other elements of the security forces harassed and abused LGBTI persons. One international NGO reported that five members of the PMOP in uniform allegedly assaulted and raped a gay man on July 16 in Tegucigalpa. The victim submitted to a medical examination with the Public Ministry's Forensic Medicine Unit, filed a

complaint with the HNP's Criminal Investigation Unit, and temporarily left the country.

LGBTI rights groups asserted that government agencies and private employers engaged in discriminatory hiring practices. The Association for a Better Life, an NGO that works with LGBTI persons, reported an incident of discrimination at San Felipe Hospital in Tegucigalpa where a physician asserted that the victim's sexual orientation caused him to contract the human papillomavirus and colon cancer. LGBTI groups continued working with the Violent Crimes Task Force, Ministry of Security, and Office of the Special Prosecutor for Human Rights to address concerns about intimidation, fear of reprisals, and police corruption.

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.

HIV and AIDS Social Stigma

Access to employment, educational opportunities, and health services continued to be major challenges for persons with HIV/AIDS. The law provides persons with HIV the right to have access to, and remain in, employment and the education system. The law also defines administrative, civil, and criminal liability and penalties for any violation of the law, which includes denial or delay in care for persons with HIV.

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 a number of 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. In 2016 the Ministry of Labor and Social Security (STSS) administratively ruled that seasonal workers could not form a union. 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. Additionally, 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 prohibits certain public service employees from striking. 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 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 firing strikers, if the STSS rules that a work stoppage is illegal.

The government did not effectively enforce the law. Although the STSS passed a comprehensive labor inspection law in 2017 that substantially increased fines for violations and updated labor inspector authorities, the STSS had not released implementing regulations despite months of consultation and work with the private sector and unions. By law the STSS may fine companies that violate the right to freedom of association. The law permits a fine of 300,000 lempiras (\$12,500) per violation. If a company unlawfully dismisses founding union members or union leaders, the law stipulates that employers must also pay a fine equivalent to six months of the dismissed leaders' salaries to the union itself. Through August the STSS administered fines of more than 25.3 million lempiras (\$1.05 million), including more than 6.1 million lempiras (\$254,000) for violations of freedom of

association and more than 13.2 million lempiras (\$550,000) for obstruction of labor inspectors. 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.

Although there is no legal requirement that they do so, STSS inspectors generally accompanied workers when they notified their employer of their intent to form a union. In some cases STSS inspectors, rather than workers, directly notified employers of workers' intent to organize. Workers reported that the presence and participation of the STSS reduced the risk that employers would dismiss the union's founders and later claim they were unaware of efforts to unionize.

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 paid the fines that government authorities imposed but continued to violate the law. 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. Civil society organizations regularly raised concerns about practices by agricultural companies, particularly in the south. Through September the STSS conducted 308

hygiene and social security inspections and levied fines totaling approximately 5.68 million lempiras (\$237,000).

The Solidarity Center reported threats against several labor leaders, including a public-sector labor union leader. Through November, the Solidarity Center documented 11 cases of threats against union leaders.

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 industry, 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.

Several companies in export processing zones had solidarity associations that functioned similarly to company unions for the purposes of setting wages and negotiating working conditions.

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. The government investigated several cases of labor trafficking, including forced begging and domestic service.

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 Ministry 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 www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

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 age 18 may perform. By law all minors between ages 14 and 18 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 age 18, but the STSS may grant special permission for minors ages 16 to 18 to work in the evening if such employment does not adversely affect their education.

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

In 2017 the government took steps to address child labor, including the development of a new protocol for labor inspections to identify child labor, but inadequate resources impeded inspections and enforcement outside of major cities in rural areas where hazardous child labor was concentrated. Fines for child labor are 100,000 lempiras (\$4,170) for a first violation and as high as 228,000 lempiras (\$9,500) for repeat 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 age 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 www.dol.gov/ilab/reports/child-labor/findings/.

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; violators are subject to a 5,000 lempira (\$208) fine. 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, Children).

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 salary was 8,910 lempira (\$370). 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.

Occupational safety and health standards were current but not 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 of up to 25 percent of the economic damage suffered by workers, 1,000 lempiras (\$42) for failing to pay the minimum wage or other economic violations, and 100,000 lempiras (\$4,170) for violating occupational safety or health regulations and other law violations. As part of the United States-Honduras Monitoring and Action Plan, the government increased the STSS budget to approximately 79.4 million lempiras (\$3.31 million). As of September inspectors conducted 1,435 unannounced inspections. As of November the STSS had 169 labor inspectors.

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 among labor inspectors continued. Inspectors reportedly failed to respond to requests for inspections to address alleged violations of law, conduct adequate investigations, impose or collect fines when they discovered violations, or otherwise abide by legal requirements.

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.

There were reports that both public- and private-sector employers failed to pay into the social security system. The STSS may levy a fine of 100,000 lempiras (\$4,170) per infraction against companies that fail to pay social security obligations.

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. These violations included lack of access to appropriate safety equipment. Civil society groups reported that most dive boats held more than twice the craft's capacity for divers and that many boat captains sold their divers marijuana and crack cocaine to help them complete an average of 12 dives a day, to depths of more than 100 feet. During the year the STSS inspected 27 fishing boats including in La Ceiba, Atlantida Department, and Puerto Lempira, Gracias a Dios Department. Civil society reported an average of 15 deaths per year attributable to unsafe diving practices.