

government corruption, but a weak judicial system and corruption were major obstacles to obtaining convictions.

Organized criminal 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 some of these crimes, but impunity was widespread.

Section 1. Respect for the Integrity of the Person

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

There were 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 criminal activity by government agents. The Ministry of Security's Directorate of Disciplinary Police Affairs investigated members of the Honduran National Police 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.

The National Human Rights Commission (CONADEH) reported 15 arbitrary or unlawful killings by security forces as of August. The Public Ministry reported two such cases in judicial processing and five other cases under investigation as of September.

On April 27, the Public Ministry filed an indictment against police officer Jarol Rolando Perdomo Sarmiento for the February 6 murder of Keyla Martinez in La Esperanza, Intibuca Department. Perdomo allegedly killed Keyla Martinez after she was detained for violating the country's COVID-19 curfew.

The government continued to prosecute individuals allegedly involved in the 2016 killing of environmental and indigenous activist Berta Caceres. On July 5, the National Tribunal Court found Roberto David Castillo Mejia guilty for his role as

attempted recruitment by gangs, witnessing criminal activity by gangs or organized criminal 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 government did not effectively implement laws or programs to provide such access.

Through August CONADEH received six reports of discrimination against individuals with disabilities. The Public Ministry received one report of discrimination based on an individual's disability as of September. The incident allegedly occurred in a place of employment.

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 regarding social stigma by families and communities against persons with mental disabilities and a lack of access to mental health care throughout the country.

According to government estimates, children with disabilities attended school at a lower rate than the general population. World Bank statistics from 2020 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.

HIV and AIDS Social Stigma

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

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

The Cattrachas Lesbian Network reported 17 violent deaths of LGBTQI+ persons as of August. On March 28, transgender activist Vanessa Zuniga was killed in Tela, Atlantida Department. Vanessa worked as a volunteer in the Association for Prevention and Education in Health, Sexuality, AIDS, and Human Rights.

Same-sex sexual activity has been legal since 1899; however, same-sex couples and households headed by same-sex couples are not eligible for the same legal protections available to opposite-sex married couples. The law criminalizes discrimination based on sexual orientation and gender identity characteristics and includes crimes committed against individuals because of their sexual orientation or gender identity as aggravating circumstances to increase penalties for criminal offenses. Nevertheless, social discrimination against LGBTQI+ persons persisted, as did physical violence. Impunity for such crimes remained high, as was the impunity rate for all types of crime.

LGBTQI+ 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. Transgender persons are prohibited from changing their legal gender status.

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 if 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. Employers frequently refused to comply with STSS orders that required them to reinstate workers who had been dismissed for participating in union activities. Both the STSS and the courts may order a company to reinstate workers, but the STSS lacked the personnel and transportation resources to verify compliance. 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 the fines facilitated continued labor law violations.

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 regarding 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 regarding the use of temporary contracts and part-time employment, suggesting that employers used these mechanisms to prevent unionization and avoid providing full benefits. The government investigated violence and threats of violence against

union leaders. Impunity for such crimes remained high, as was the impunity rate for all types of crime.

On April 23, the Public Ministry arrested and charged Josue Exequiel Martinez Martinez, Siriaco Mejia Santos, Francisco Lopez Lazo, and Mario Anibal Lopez Velasquez for the December 2020 murder of Felix Vasquez. Vasquez was the leader of the Union of Field Workers, a member of the Lenca community, an environmental activist, and a LIBRE Party candidate for Congress. The accused were in pretrial detention awaiting the next phase of the judicial process.

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. On October 7, the National Congress increased penalties for forced labor under the trafficking-in-persons article of the penal code from five to eight years' imprisonment to 10 to 15 years, bringing the penalties in line with the penalties for other analogous serious crimes, such as kidnapping. Authorities often did not effectively enforce the law.

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 agriculture, manufacturing, fishing, mining, construction, and hospitality industries. The law requires prisoners to work at least five hours a day, six days a week. Regulations for implementing the law remained under development as of November. 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 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 does not work outside the country or in hazardous conditions, including in offshore fishing. The STSS did not approve any authorizations through September. Most 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 up to two years, eight months for child labor violations that endanger the life or morality of a child age 16 or 17 and up to three years, four months for children younger than 16. The STSS completed 29 child labor inspections as of September and identified 13 minors working without permission. 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 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 (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>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination based on gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or ethnicity, national origin, language, place of residence, religion, family or economic situation, disability, or health. Penalties include prison sentences of up to two 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-descendant persons, LGBTQI+ persons, and persons with HIV or AIDS also faced discrimination in employment and occupation (see section 6).

e. Acceptable Conditions of Work

Wage and Hour Laws: There are 45 categories of monthly minimum wage, 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 vast majority of whom were women.

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.

In some industries, including agriculture, domestic service, 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 irrespective of any additional hours they worked. In security and domestic service sectors, workers were frequently forced to work more than 60 hours per week but paid only for 44 hours.

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 8,846 total inspections, compared with 4,102 total inspections for the same period in 2020. The number of inspections increased significantly as the STSS resumed normal inspections, suspended in 2020 due to the COVID-19 pandemic. As of September 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 STSS continued.

Occupational Safety and Health: The government did not effectively enforce occupational safety and health standards, particularly in the construction, garment assembly, and agricultural sectors, as well as in the informal economy. Penalties for violations of occupational safety and health 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.

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.

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.

Informal Sector: According to the STSS, approximately 75 percent of workers worked in the informal economy, equivalent to approximately 2.7 million persons. There were different methodologies to measure the size of the informal economy, and a March 2020 UNDP report estimated that 82 percent of workers were part of the informal economy. This definition included workers who did not contribute to any form of social security protection, and thus it may have undercounted underemployed workers who rely on jobs in both the formal and informal sectors. According to UNDP data, informal workers played a large role in nearly every industry, including agriculture and fishing; mining; manufacturing; utilities; construction; wholesale retail, hotels, and restaurants; transport and storage; and personal services. These workers are not covered by the contributory social security system and are not protected by the labor code.