

HONDURAS 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Honduras is a constitutional, multiparty republic. The most recent national and local elections were held in November 2021. Voters elected Xiomara Castro of the LIBRE Party as president for a four-year term beginning in January. International observers generally recognized the elections as free and fair.

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 support of 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 coordinates the overlapping responsibilities of the National Police, Military Police of Public Order, National Intelligence Directorate, and Public Ministry during interagency operations. Civilian authorities maintained effective control over security forces. There were reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; torture and cases of cruel, inhuman, or degrading treatment or punishment by government agents; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious restrictions on freedom of expression and media, including threats to media members by criminal elements; serious government corruption; lack of investigation of and accountability for gender-based violence; and crimes involving violence or threats of violence against Indigenous and Afro-descendant communities, and against lesbian, gay, bisexual, transgender, queer, and intersex persons.

The government prosecuted some officials who committed human rights abuses or engaged in corruption, but a weak judicial system and corruption were major

obstacles to obtaining convictions.

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 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 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 two arbitrary or unlawful killings by security forces as of August.

On May 31, members of the National Anti-Gang Unit shot and killed Wilson Ariel Pérez Hernández in San Pedro Sula, Cortés Department. He was allegedly killed while antigang unit officials tried to arrest him for assaulting a police officer at a soccer match on May 29. On October 17, the Public Ministry charged four unit officials for their involvement in Pérez's killing.

The murder trial of police officer Jarol Rolando Perdomo Sarmiento concluded on October 17. Perdomo was charged with the February 2021 murder of Keyla Martínez in La Esperanza, Intibucá Department. The final verdict was pending a constitutional appeal.

Criminal groups, 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, human rights defenders, and others. Major urban centers and drug trafficking routes experienced the highest rates of violence.

On July 14, alleged members of the MS-13 gang wearing antigang unit uniforms killed Said Lobo Bonilla, son of former President Porfirio Lobo, and three other persons in a targeted attack in Tegucigalpa. On September 22, the court in a preliminary hearing charged Eber Ezequiel Espinoza and Erick David Macías Rodríguez with quadruple homicide. Authorities continued to search for the individuals who ordered the homicide.

On January 9, unknown assailants killed Pablo Hernández in San Marcos de Caiquín, Lempira Department. Hernández had worked to promote Indigenous rights in a variety of roles including as president of the Network of Agroecologists of the Cacique Lempira Biosphere, as a member of the Network of Human Rights Defenders of the Department of Lempira, and as a radio host of the Lenca radio program *Radio Tenan*. Authorities continued to investigate the incident.

The government continued to prosecute individuals allegedly involved in the 2016 killing of environmental and Indigenous activist Berta Cáceres. On June 20, the National Tribunal Court sentenced Roberto David Castillo Mejía to more than 22 years in prison for his role as one of the alleged coauthors of her murder.

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, and Other Related Abuses

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.

CONADEH reported 31 cases of alleged torture or cruel and inhuman treatment by security forces through August, while the Public Ministry received 10 such reports through July. The quasi-governmental National Committee for the Prevention of Torture, Cruel, Inhuman, or Degrading Treatment (CONAPREV) received 28 complaints of the use of torture or cruel and inhuman treatment through September.

On January 13, National Police officials in Trujillo, Colón Department, allegedly detained and tortured Luis Alberto Gutiérrez and Leonard Brown, beating Gutiérrez and Brown in the police station.

Corruption along with a lack of investigative resources and judicial delays led to widespread impunity, including for members of security forces. The Directorate of Disciplinary Police Affairs 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. CONADEH received complaints involving human rights abuses and referred them to the Public Ministry for investigation.

Prison and Detention Center Conditions

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

Abusive 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 National Prison Institute reported that as of October 13, the total prison population was 19,619 in 25 prisons and one detention center. According to CONAPREV, the system was designed for approximately 13,000 inmates. Long periods of pretrial detention remained common, with many pretrial detainees held with convicted prisoners. Nearly 46 percent of incarcerated individuals were in pretrial detention.

Authorities did not generally segregate those with tuberculosis or other infectious diseases from the general prison population. There was 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 system. In most prisons, only inmates who purchased bottled water or had water filters in their cells had access to potable water.

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 violent confrontations and killings between gang members in prisons throughout the year.

CONAPREV reported 17 violent deaths in prisons as of September. On July 4, alleged members of the 18th Street gang killed six fellow gang members at the El Pozo maximum security prison in Ilama, Santa Bárbara Department.

As of September, CONAPREV reported the country's detention center for high-profile suspects and those in need of additional security, including police and military officials, held 29 individuals. The center, administered by the National Prison Institute, was on a military installation and received some support services from the military.

Administration: The judicial system is 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. Prisoners can submit complaints through a lawyer that may emerge from an NGO before the Public Ministry.

Media 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: On March 10, the armed forces officially transferred control of the National Prison Institute to the National Police as part of a government initiative to demilitarize prisons. Following the transfer, the National Prison Institute reported progress on visitation rights, food nutrition and quality, and potable water access.

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 reported that authorities at times failed to enforce these requirements effectively.

Arrest Procedures and Treatment of Detainees

By law, 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, or they encounter a person in possession of evidence related to a crime. 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 bail for persons charged with some felonies 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 21 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: CONADEH reported 33 cases of arbitrary arrest through August. The Public Ministry reported 11 cases of alleged illegal detention or arbitrary arrest as of September.

On January 19, alleged security force members detained Indigenous community leader Nicolás Rodríguez in Azacualpa, Copán Department, for more than 24 hours before he was released.

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. Nonetheless, 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 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 criminal groups, exercised influence on the outcomes of some court proceedings.

Trial Procedures

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

Credible observers noted problems in trial procedures, such as a lack of admissible evidence (i.e., prosecution failed to submit sufficient evidence of guilt), judicial corruption, 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 August, CONADEH had received 35 complaints.

On May 26, National Police officers allegedly entered the home of human rights defender Deninson Escalante in El Palenque, Choluteca Department, without a warrant, searched the house, and beat Escalante's parents, brother, and nephew.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and

Other Media

The law provides for freedom of expression, including for members of the press and other media, with some restrictions, and the government generally respected this right. Although many press outlets were politically aligned, the press and prevailing democratic norms combined to promote freedom of expression, including for members of the media.

The government allocated a budget of 20 million lempiras (\$796,000) to operate a protection mechanism for journalists, human rights defenders, and judicial sector operators. As of August, it provided protection to 11 journalists and 16 social media communicators, among other types of activists and human rights defenders. Some nongovernmental organizations (NGOs) expressed concern regarding weak implementation of the law, limited resources available to operate the government's protection mechanism, and insufficient training for new personnel after significant personnel turnover during the year. Civil society organizations criticized the government's failure to investigate threats adequately.

The Honduran National Police's Special Victim's Investigations Unit, formerly known as the Violent Crimes Task Force, investigated crimes against high-profile and particularly vulnerable victims, including journalists as well as judges, lawyers, and members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community.

Violence and Harassment: On May 26, unknown assailants shot and killed Metro TV journalist Ricardo Ávila in Marcovia, Choluteca Department. Authorities continued to investigate the incident. Journalists and other members of civil society reported they were self-censoring due to fear of criticism, harassment, and retribution by the government and its supporters. Others reported direct acts of intimidation or threats of violence from government officials or supporters for publicly being critical of the government.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Media members and NGOs stated the press self-censored due to fear of retaliation from criminal groups, drug trafficking organizations, or corrupt government officials. The media also engaged in self-

ensorship to avoid losing lucrative advertising contracts with the government. On September 16, the cabinet approved an executive decree to create a General Directorate of Information and Press under the Ministry of Strategic Planning. The government noted the decree was to better organize its own public relations efforts and was not intended to monitor or control content.

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 criminal 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 of opposition party policies.

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.

b. Freedoms of Peaceful Assembly and Association

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

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

In-country Movement: There were areas where authorities could not assure

freedom of movement because of criminal activity and a lack of significant government presence.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, and asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for granting asylum or refugee status. The government had a nascent system to provide legal protection to refugees. Its operations to receive and process cases relied on substantial support from UNHCR. Its support focused on providing training to officers of the National Institute for Migration, ensuring support to deal with the backlog of asylum claims submitted during the COVID-19 lockdown, and supporting the improvement of reception conditions for asylum seekers.

Abuse of Migrants and Refugees: Transiting migrants, forcibly displaced populations, and asylum seekers with pending cases were vulnerable to abuse and sexual exploitation by criminal organizations. Women, children, and LGBTQI+ individuals were especially vulnerable to abuse. Transiting migrants, refugees, and other vulnerable populations continued to face acute security risks in border zones.

f. Status and Treatment of Internally Displaced Persons

The Internal Displacement Monitoring Center estimated there were approximately 247,000 internally displaced persons (IDPs) due to violence in the country as of 2021. Gang activity, including attacks on and exploitation of nonmembers, was the primary contributor to violence-related internal displacement. In addition, the monitoring center estimated approximately 937,000 individuals were forcibly displaced by 2020 natural disasters. Official data on forced displacement, especially displacement due to violence, was limited in part because gangs controlled many of the neighborhoods where individuals were forced from their homes and communities (see section 6, Displaced Children). NGOs reported IDPs were at increased risk of victimization and exploitation by criminal groups.

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 secretariat and the commission focused on developing policies to address IDPs. Additionally, under the Comprehensive Regional Protection and Solutions Framework, with significant support from UNHCR, the Secretariat of Human Rights and Secretariat of External Relations and International Cooperation continued to build capacity to provide services to vulnerable populations, including IDPs, those at risk of forced displacement, refugees, and returned migrants.

Despite incremental progress, government capacities remained relatively nascent and limited.

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 November 2021, Xiomara Castro of the LIBRE Party won a four-year presidential term in elections that were generally considered free, fair, and transparent. Some NGOs and political parties reported irregularities, including late delivery of technology needed to transmit results, late opening of the polls, poll workers with varying degrees of preparation and knowledge of the electoral law and processes, and lack of transparency in campaign financing. International observers acknowledged some of these irregularities but reported they were not systematic and not widespread enough to affect the outcome of the presidential election. Observers noted several significant improvements in transparency procedures, including electoral reforms, an updated voter registry, new national identification cards, and new technologies that included a biometric verification system and a preliminary results transmission system.

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.

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.

On February 2, the National Congress passed a retroactive amnesty law that absolved public officials who worked during the Zelaya Administration (2006-09) of crimes. As of October, at least 24 defendants used the law to have corruption cases dismissed.

On March 1, the National Congress repealed the Law for the Classification of Public Documents Related to National Security and Defense, better known as the Secrets Law. Civil society had criticized the law for limiting transparency and allowing officials to use the classification of documents to hide corruption.

Corruption: On June 10, Marco Bográn, former director of INVEST-H, the government entity tasked with making COVID-19 pandemic relief contracts with private firms, was found guilty of aggravated fraud and sentenced to more than 10 years in prison and ordered to pay a fine of 1.475 billion lempiras (\$58.7 million). The court acquitted him of charges of violating official duties and fraud, but the Public Ministry appealed the ruling on July 25.

On September 6, the Public Ministry charged former Minister of National Risk and Contingency Management Gabriel Rubí and two other government officials with fraud and violation of official duties for the nearly six million lempira (\$239,000) purchase in 2020 of a mobile hospital and COVID-19 isolation unit that was only a tent. A lower court provisionally dismissed Rubí's fraud charge on September 20, and the Public Ministry appealed the decision.

Former First Lady Rosa Elena Bonilla de Lobo was found guilty of fraud and misappropriation of public funds during a retrial on March 17. On September 21,

the court sentenced her to more than 14 years in prison and ordered her to pay a fine of more than 13 million lempiras (\$518,000).

Section 5. Governmental Posture Towards 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, Blanca Izaguirre, served as ombudsperson and investigated complaints of human rights abuses. NGOs and other civil society groups generally considered the commissioner independent but at times ineffective. With offices throughout the country, the ombudsperson received cases that otherwise might not have risen to national attention.

The Secretariat of Human Rights served as an 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 a 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 of Defense both have human rights offices that coordinate human rights-related activities with the Secretariat of Human Rights.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes all forms of rape, including spousal rape. The government considers rape a crime of public concern, and the

state prosecutes suspected rapists even if survivors do not press charges. The penalties for rape range from nine to 13 years' imprisonment. The law was not effectively enforced, and weak public institutional structures contributed to the inadequate enforcement.

The law does not criminalize domestic violence but provides penalties of up to 12 years in prison for violence against a family member, depending on the severity of the assault and aggravating circumstances. 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. Survivors of domestic violence are entitled to certain protective measures, such as removing 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 violence against a woman.

Civil society groups reported that women often did not report domestic violence or withdrew 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. The government attempted to enhance its response to domestic violence by elevating the National Women's Institute to a cabinet-level secretariat in March. Observers noted this effort was insufficient due to inadequate budget allocations, limited or no services in rural areas, absence of or inadequate training about and awareness of domestic violence among police and other authorities, and male-dominant culture and norms.

The government operated six consolidated reporting and support centers in major cities and one mobile unit for the departments of Yoro and Cortés 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, focusing on education, personal finance, health, social and political participation, environmental stewardship, and prevention of gender-based violence.

Sexual Harassment: The law criminalizes sexual harassment, including in employment, and stipulates penalties of one to three years in prison and possible suspension of the abusers' professional licenses. The government did not effectively enforce the law.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Contraception supplies were limited, as were many other critical medicines, due to the government's dismantling of its public health procurement system in May. The law prohibits the sale, distribution, and use of emergency contraception for any reason, including by survivors of sexual violence. The government provided survivors of sexual violence access to other health-care services, such as psychological and social support as well as testing and treatment for sexually transmitted diseases.

In 2019 (most recent data), 94 percent of births were attended by skilled health-care personnel; however, NGOs reported significant gaps in obstetric care, especially in rural areas. The United Nations reported the adolescent birth rate was 89 births per 1,000 girls ages 15 to 19. UN human rights experts stated the lack of access to contraception, particularly in rural areas, together with the prohibition of emergency contraception, contributed to a high rate of adolescent pregnancy.

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 due to barriers in access to justice and lack of information regarding legal protections. Most women in the workforce engaged in lower-status and lower-paying informal occupations, such as domestic service, without the benefit of legal protections.

Systemic Racial or Ethnic Violence and Discrimination

The law criminalizes discrimination based on race and ethnicity and includes crimes committed against individuals because of race or ethnicity as aggravating circumstances to increase penalties for criminal offenses.

CONADEH received no reports of racial or ethnic discrimination as of August.

Nevertheless, observers said social discrimination against racial and ethnic groups persisted, as did physical violence.

On May 1, unknown assailants killed Alonso Salgado, a former member of the neighborhood council of the Río Tinto Garífuna community and a member of the Garífuna rights organization OFRANEH, in Tela, Atlántida Department. Authorities continued to investigate the incident.

The government's National Policy to Combat Racism and Racial Discrimination seeks to promote equality and combat discrimination related to the country's two Afro-descendent and seven Indigenous groups (see below), with a focus on social and political participation; access to education, health care, justice, and employment opportunities; and rights to ancestral lands and natural resources. NGOs reported the government did not effectively combat discrimination or promote equal access to government services and employment opportunities. NGOs also reported the government did not make sufficient efforts to comply with Inter-American Court of Human Rights rulings, specifically cases related to territorial rights for Garífuna communities.

Indigenous Peoples

In the 2013 census (most recent data), approximately 8.5 percent of the population identified themselves as members of Indigenous communities, but other estimates were higher. Indigenous groups included the Miskito, Tawahka, Pech, Tolupán, Lenca, Maya-Ch'ortí, and Nahua. 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, corruption, lack of transparency and community consultation, other criminal activity, and limited state ability to protect the rights of vulnerable communities.

Ethnic minority rights leaders, international NGOs, and farmworker organizations claimed the government failed to redress actions taken by security forces, government agencies, private individuals, and businesses to dislodge 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. A 2019 Inter-American Commission on Human Rights report noted there were insufficient hospital beds and inadequate supplies at the only hospital that serviced Gracias a Dios Department, home to most of the Miskito community.

Children

Birth Registration: Children derive citizenship by birth in the country, from the citizenship of their parents, or by naturalization. Birth registration was provided on a nondiscriminatory basis. Failure to register resulted in denial of public services, including access to health services or school enrollment.

Child Abuse: The law establishes prison sentences of up to two and one-half years for child abuse.

Child, Early, and Forced Marriage: The minimum legal age of marriage for both boys and girls is 18.

Sexual Exploitation of Children: The commercial sexual exploitation of children, especially in sex trafficking, remained a problem, and the government did not effectively enforce the law. The country was a destination for child sex tourism, particularly in the tourist area of the Bay Islands. The legal age of consent is 18. 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 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.

According to data (most recent available) from the government and UNHCR, more than 247,000 persons were displaced by violence between 2014 and 2018, of whom 43 percent were children and adolescents.

Antisemitism

The Jewish community numbered approximately 150 members. There were no reports of antisemitic acts.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws exist to criminalize same-sex conduct.

Violence against LGBTQI+ Persons: NGOs reported police or other government agents incited, perpetrated, condoned, or tolerated violence against LGBTQI+ individuals. Impunity for such crimes was high. The Public Ministry reported 17 violent deaths of LGBTQI+ persons as of September. NGOs reported 33 violent deaths as of October and 17 hate crimes against LGBTQI+ persons as of August. On January 10, unknown assailants shot and killed transgender activist Thalía Rodríguez in her home in Tegucigalpa, Francisco Morazán Department. Authorities charged two individuals with her murder, one of whom remained at large. On December 2, the court found Aarón Jeriel Álvarez Pavón guilty of Rodríguez's murder. The sentencing hearing was scheduled for January 2023. NGOs reported gangs engaged in "corrective rape" of lesbian or transgender individuals.

Discrimination: 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,

discrimination against LGBTQI+ persons throughout society persisted. As of August, CONADEH received 25 reports of discrimination based on sexual orientation. Same-sex couples and households headed by same-sex couples are not eligible for the same legal protections available to opposite-sex married couples.

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.

Availability of Legal Gender Recognition: Transgender persons are prohibited from changing their name and legal gender status.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of unnecessary surgeries performed on intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no restrictions of freedom of expression, association, or peaceful assembly regarding LGBTQI+ matters or events.

Persons with Disabilities

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.

According to government estimates, children with disabilities attended school at a lower rate than the general population. The Institute for National Statistics put net enrollment for primary school at 77 percent in 2021, but the National Center for Social Sector Information stated that in 2020, 43 percent of persons with disabilities received no formal education.

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.

Other Societal Violence and Discrimination

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 Secretariat of Labor and Social Security also requires that union leaders be employed under permanent contracts, limiting the ability of seasonal agricultural workers to exercise their right to freedom of association.

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 direct negotiations and government-accompanied mediation and conciliation have failed. The Secretariat of Labor has the power to declare a work stoppage illegal and grants employers the ability to discipline employees consistent with their internal regulations, including by firing strikers, if the secretariat rules that a work stoppage is illegal. In addition, the law

limits strikes in a wide range of sectors that the government designates 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 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 government did not effectively enforce the law. Employers frequently refused to comply with Secretariat of Labor orders that required them to reinstate workers who had been dismissed for participating in union activities. Both the Secretariat of Labor and the courts may order a company to reinstate workers, but the secretariat lacked the personnel and transportation resources to verify compliance. By law, the secretariat may fine companies that violate the right to freedom of association. The law permits fines, and the penalty is commensurate with those for other laws involving denials of civil rights, such as discrimination. Penalties were sometimes applied against violators, but the failure of the government to collect fines facilitated continued violations.

Workers had difficulty exercising the rights to form and join unions and to engage in collective bargaining. Public-sector trade unionists raised concerns regarding government interference in trade union activities, including its ignoring or suspending 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 Secretariat of Labor-led mediation, a practice that prolonged the mediation process and impeded the right to strike. Unions also raised concerns that employers used temporary contracts to prevent unionization and to 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.

The trial on murder charges of Josué Exequiel Martínez, Siriaco Mejía Santos, Francisco López Lazo, and Mario Aníbal López Velásquez began on November 25. The four were accused of the 2020 killing of Félix Vásquez, leader of the Union of Field Workers, a member of the Lenca community, an environmental activist, and a LIBRE Party candidate for Congress. The court found the accused guilty of the murder of Vásquez; at year's end a date for sentencing was pending.

Medical personnel held nationwide strikes and protests on March 30, April 20-30, May 31, and in certain regions on October 24. The purpose of the labor stoppage and demonstrations was to denounce the nonpayment of wages by the Secretariat of Health and other issues.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced labor, but the government did not effectively implement or enforce the law.

Forced labor occurred in street vending, domestic service, the transport of illegal 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.

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

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, including HIV or AIDS status. The law prohibits employers from requiring pregnancy tests as a prerequisite for employment. The law states that a woman's employment should be appropriate to her physical state and capacity. There were no reports of this law being used to limit women's employment.

The government did not effectively enforce these laws and regulations. Although penalties include prison sentences of up to two years and fines, they were not sufficient to deter violations. They were, however, commensurate with penalties for violating laws related to civil rights, such as election interference. Penalties were sometimes applied against violators.

The law criminalizes sexual harassment, including in employment. 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.

Many employers discriminated against women. The Secretariat of Labor posted job opportunity announcements that specified a gender requirement. Most women in the workforce engaged in lower-status and lower-paying informal occupations, such as domestic service, without the benefit of legal protections. Persons with disabilities, Indigenous and Afro-descendant persons, LGBTQI+ persons, and persons with HIV or AIDS also faced discrimination in employment and occupation (also 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; minimum wages were 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. On April 28, the National Congress repealed the 2014 hourly wage law, thus bringing all employees under the national labor code and eliminating the previous differences in labor benefits between hourly, temporary, and permanent employees. The repeal went into effect on June 28.

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 the security and domestic service sectors, workers were frequently forced to work more than 60 hours per week but paid only for 44 hours. Employers frequently penalized agricultural workers for taking legally authorized days off. Employers paid the minimum wage inconsistently in other sectors.

Occupational Safety and Health: Occupational safety and health (OSH) standards are appropriate for the main industries in the country, and OSH experts actively identified unsafe conditions, including lack of personal protective equipment against COVID-19, in addition to responding to workers' OSH complaints. There was no information available on any major industrial accidents. By law, workers may remove themselves from situations that endanger their health or safety without jeopardizing continued employment. Under the inspection law, the Secretariat of Labor has the authority to temporarily shut down workplaces where there is an imminent danger of fatalities.

Wage, Hour, and OSH Enforcement: The Secretariat of Labor is responsible for enforcing wage, hour, and OSH laws, but it did so inconsistently and ineffectively. Enforcement of OSH standards was particularly weak 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 but rarely applied against violators and rarely collected.

Civil society continued to raise problems with minimum wage violations, highlighting agricultural companies in the south as frequent violators. The law permits fines for wage and hour violations; these were commensurate with the penalties for similar crimes, such as fraud. The government sometimes applied penalties against violators, but failure to collect fines facilitated continued labor code wage and hour violations. The Secretariat of Labor had an insufficient number of inspectors to enforce the wage, hour, and OSH laws effectively. As of August, inspectors conducted 14,221 total inspections, compared with 8,846 total inspections for the same period in 2021. Inspectors have the authority to make unannounced inspections and initiate sanctions.

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 Secretariat of Labor may levy a fine against companies that fail to pay social security obligations, but the amount was not sufficient to deter violations.

Informal Sector: Most workers were in the informal sector. According to 2021 Secretariat of Labor figures, approximately 75 percent of workers worked in the informal economy, equivalent to approximately 2.7 million persons, while a 2020 UN Development Program report estimated that 82 percent of workers were part of the informal economy. According to the report, 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.