

HONDURAS 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

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

The most significant human rights issues included alleged arbitrary and unlawful killings; a complaint of torture; harsh and life-threatening prison conditions; arbitrary arrest or detention; unlawful interference with privacy; killings of and threats to media members by criminal elements and criminalization of libel; widespread government corruption, including in the judiciary; threats and violence against indigenous and Afro-descendent communities; and societal violence against 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. Perpetrators in emblematic cases dating back many years, such as the 2009 killing of the antidrug czar Julian Aristides Gonzalez, continued to enjoy impunity.

Organized criminal elements, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of murder, extortion, kidnapping, torture, human trafficking, intimidation, and other threats and violence directed against human rights defenders, judicial authorities, lawyers, the business community, journalists, bloggers, and women and other 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 delays in some prosecutions and sources alleging corruption in judicial proceedings. The Violence Observatory of the Autonomous University of Honduras (UNAH) reported 11 deaths involving security forces during the first six months of the year. These included nine deaths involving the Honduran National Police (HNP) and two involving the Military Police for Public Order (PMOP). Following the November 26 elections, protests, looting, and clashes between protesters and security forces occurred through the end of the year. Nongovernmental organizations (NGOs) claimed security forces used excessive force to break up protests and killed between 16 and 22 individuals. Additional deaths were reported not at the hands of security forces but possibly related to postelectoral violence. An improvised explosive device killed at least one police officer during the violence. Authorities publicly stated they would investigate alleged human rights abuses and hold accountable members of the security forces who committed such abuses. They were also investigating individuals not part of the security forces for acts of violence and other criminal activity.

On February 20, authorities arrested Lelis Wilfredo Aguilar Fernandez, an HNP officer assigned to the Police Intelligence Unit, for the February 20 killing of Josue Matias Deras. Witnesses claimed that Aguilar shot Matias in the back at close range during a search operation and then planted a weapon at the crime scene in an attempt to claim the killing occurred in self-defense. On February 24, a judge ordered Aguilar held in custody pending trial.

The government continued to investigate the March 2016 killing of environmental and indigenous activist Berta Caceres. On January 12, a seventh suspect was arrested in Mexico in a joint operation between Honduran and Mexican officials and returned to Honduras. On February 8, Honduran authorities arrested an eighth suspect. On June 13, a judge found sufficient evidence against the first four suspects, arrested in May 2016, to retain them in custody and continue to criminal trial. This included a suspect who was an active-duty military officer at the time of the killing. On November 20, authorities arrested one current and one former Honduran National Police officer for tampering with evidence in the case.

On February 28, a court convicted military intelligence officers Elmer Eliazar Mejia Aguilar and Jose Luis Melgar Deras, members of the Office of the Director

General for Military Intelligence (C-2), of the 2014 premediated killings of siblings Ramon Eduardo Diaz Rodriguez and Zenia Maritza Diaz Rodriguez. A judge ordered two other suspects on trial released.

On February 13, prosecutors and investigators from the Public Ministry and its Technical Criminal Investigation Agency arrested Wilmer Samuel Alvarez Pagoada as a suspect in the 2013 killing of chief money-laundering prosecutor Orlan Arturo Chavez. Authorities also issued an arrest warrant for former police commissioner Mario Guillermo Mejia Vargas on suspicion of organizing the killing. In 2013 two men on motorcycles fatally shot Chavez. Alvarez, a lawyer and computer expert, and Luis Alejandro Castro Nunez, formerly chief of security monitoring for the Supreme Court and a member of the military, were the suspected shooters. Castro was already in prison on other charges. The Police Purge Commission removed Mejia from the police in 2016. He surrendered to foreign authorities in 2016 for drug trafficking and was on trial in a foreign country. A judge ordered Castro and Alvarez detained in a maximum-security prison pending trial.

On September 8, a court sentenced Marvin Noe Andino Mascareno to 17 years' imprisonment for the attempted murder of Hilda Emperatriz Caldera, widow of murdered antidrug official Alfredo Landaverde. Andino was sentenced in January 2016 to 22 years in prison for Landaverde's murder. Caldera was wounded in that attack, which occurred in 2011, but attempted murder charges against Andino were dismissed by the trial court. The Public Ministry appealed the dismissal, which the Supreme Court overturned, and the attempted murder case was returned to the lower court.

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. Beginning on August 27, several agricultural worker groups occupied at least seven African palm plantations in the Bajo Aguan region. During the occupations one worker was reportedly shot and injured by a plantation security guard. Following the eviction on August 28 of a worker group from a plantation owned by the Dinant Corporation, two Dinant security guards were found dead. An agricultural worker was found killed on September 20. Two security guards were detained for possible involvement in the killing but were released following forensic tests. Authorities carried out several peaceful evictions of agricultural workers in August and September. As of September 25, authorities continued to investigate the new killings. Denis Ramon Mejia Castillo was arrested in September for the killings of Manuel Milla Ruiz and Allan Reynery

Perez in 2016. No members of the security forces were reported to have been responsible for deaths related to the land conflict.

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 September, 84 individuals working in the transportation sector had been killed during the year, often for failing to make extortion payments. This represented a 52 percent reduction from 2016.

According to the UNAH Violence Observatory, as of September there was a significant reduction in the overall annual homicide rate compared with 2016, dropping from approximately 60 per 100,000 to an estimated 46.5 per 100,000. Reports linked many of these homicides to organized crime and gangs.

As of November the Public Ministry's Bajo Aguan Task Force (created in 2014 to investigate cold homicide cases related to land conflicts), had obtained five convictions and four new arrest warrants, made five arrests, and referred six new cases for prosecution. The task force performed 20 exhumations. Since its inception, the task force obtained 44 arrest warrants, made 23 arrests for homicides related to the land conflict, and secured 11 homicide convictions.

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. On September 23, authorities rescued journalist and opposition Liberal Party political candidate Victor Manuel Pineda, whose family reported him kidnapped on September 4. The HNP reported 22 kidnappings in 2016, a 45-percent decrease from 2015 and 76-percent decrease from 2013. The HNP reported that in 2016 it rescued 18 victims of the 22 kidnapped. Three more were freed through negotiations, and one was killed while a hostage. The HNP estimated that it prevented more than 56 million lempiras (\$2.37 million) in ransom payments to kidnappers in 2016.

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

Although the constitution and law prohibit such practices, government officials received complaints and investigated alleged abuse by members of the security forces on the streets and in detention centers. As of September the NGO Center for the Prevention, Treatment, and Rehabilitation of Victims of Torture and their Families (CPTRT) reported one complaint against security forces for torture.

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 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, Justice, Governance, and Decentralization reported that, as of August 21, the total prison population was 18,950 in 27 prisons, a 10-percent increase over August 2016. According to the ministry, the system had designed capacity for approximately 10,600 inmates. This included two prisons that were opened in late 2016 with capacity for 1,600 inmates. In October and November, the government closed the San Pedro Sula prison and the Santa Barbara prison, two of the most overcrowded facilities and both located in city centers, and transferred the inmates to other facilities. Family members and NGOs complained that transfer to prisons farther away increased cost of visits and made it more difficult for prisoners to maintain family relationships. Local authorities were concerned about additional overcrowding and limited rehabilitation resources.

The National Prison Institute (INP) reported that as of August 28, 23 male inmates had died in prison, 16 from natural causes, and seven from violence. The INP reported no deaths involving prison officials. In contrast, the quasi-governmental National Committee for the Prevention of Torture, Cruel, Inhuman, or Degrading Treatment (CONAPREV) reported that 19 prisoners died in altercations between inmates, three committed suicide, and four died from illness. In August and September, authorities discovered clandestine graveyards in the Tamara prison in areas controlled by MS-13 gang members following the transfer of gang leaders to a new high-security prison. Forensic authorities reported that some of the bodies had been buried more than four years.

As of August the Ministry of Human Rights, Justice, Governance, and Decentralization reported that the country's four pretrial detention centers held 49 individuals. Three of these centers were on military installations, and the other was located at the HNP's Special Operations Command (known as COBRAS). The government used pretrial detention centers to hold high-profile suspects and those in need of additional security. The military provided some support services to the three detention centers located on military bases, but neither administered them nor provided guards for the facilities. Instead, the INP oversaw them, as it did other prisons.

Due to overcrowding and lack of adequate training for prison staff, prisoners were subjected to serious abuse. Prisons lacked trained personnel to safeguard the psychological and physical well-being of inmates, and some prisons lacked sufficient security personnel.

There was pervasive gang-related violence, and the government failed to control criminal activity within the prisons. 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 multiple prison riots and violent confrontations between gang members in prisons throughout the year.

The government took steps to control violence by transferring the highest-security detainees--primarily gang members and violent convicts--to two newer maximum-security prisons. High-security detainees complained that authorities confined them to their cells for long periods and restricted their access to family members and legal representation.

The government held approximately one-half of its estimated 355 female prisoners at a facility for mothers with young children and pregnant women. Others were housed in separate areas of men's prisons. In the San Pedro Sula prison, for instance, approximately 70 women resided in their own wing of the prison but shared communal space with upwards of 2,900 men. Children up to 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. On September 21, officials reported that 201 prisoners were being treated for tuberculosis, including three inmates with drug-

resistant tuberculosis under treatment at the national cardio-pulmonology institute. The officials also stated that tuberculosis-positive inmates received a monthly stipend to pay for special food. CONAPREV reported that every prison had a functioning health clinic with at least one medical professional, except for the National Penitentiary in Francisco Morazan Department. 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.

As of August the NGO Casa Alianza reported there were 574 minors (506 boys and 68 girls) in five juvenile detention centers, segregated by gender. This represented a 16-percent increase from 2016. NGOs expressed their concern that 45 minors, all of whom were gang members, were housed in the HNP COBRAS pretrial detention center. Casa Alianza reported 259 youths benefited from alternative sentencing outside the juvenile detention system (see section 6, Institutionalized Children). On June 1, one youth died due to injuries from a fire following a riot on May 23. On July 3, a 23-year-old prisoner was killed by fellow inmates after passing himself off as a minor. Civil society reported difficulty accessing some youth detention centers due to confrontations between inmates and authorities.

Administration: Prisoners could submit complaints to judicial authorities without censorship and could submit requests for the investigation of inhuman conditions to the director of the prison in which they were incarcerated. Directors could then transfer the complaints to the INP director. Prisoners also could file complaints with the INP's Human Rights Protection Unit, the Public Ministry's Office of the Special Prosecutor for Human Rights, and the Ministry of Human Rights, Justice, Governance, and Decentralization. The National Human Rights Commission (CONADEH) also accepted complaints and conducted investigations. The results of investigations by NGOs and government officials were available to the public. As of August the INP reported receiving no formal complaints for mistreatment of detainees. The Public Ministry reported receiving 22 complaints of excessive force, two for mistreatment, and four for torture by prison officials. The ministry conducted 36 investigations in 2016 and 16 as of September. CONAPREV reported there were three complaints of torture and mistreatment in detention centers as of September. NGOs reported that some prisoners were reluctant to file official complaints because they did not trust the authorities and there was no effective system for witness protection (see also section 1.c.).

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 made more than a dozen visits to juvenile detention facilities as of the end of August. The judicial system was legally responsible for monitoring prison conditions and guaranteeing the rights of prisoners.

Improvements: In January the congress passed legal reforms to the INP in an effort to professionalize the prison guard system. On September 27, the congress passed a law to allow some nonviolent pretrial detainees to use electronic monitoring systems to reduce the overcrowding of prisons. The government reported refurbishing six existing penal facilities, including maintenance and improvements to kitchens, libraries, workshops, and administrative facilities.

During the year the government improved health services for prisoners. As of August the government had 18 general practitioners, seven specialists, 49 nurses, and a budget of 54 million lempiras (\$2.29 million) to provide health services in prisons. In addition CONAPREV reported an increase in technical personnel, including public defenders, psychologists, and social workers, available to assist prisoners.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his/her arrest or detention in court. Human rights NGOs reported that authorities at times failed to enforce these requirements effectively and used a policy of arbitrary detentions or arrests to inhibit protest. CONADEH reported 12 cases of arbitrary arrest as of September. The Committee of Relatives of the Disappeared in Honduras reported 23 illegal or arbitrary arrests: five by the PMOP, 13 by the HNP, and five by municipal police.

Role of the Police and Security Apparatus

The HNP maintains internal security and reports to the Secretariat of Security. The Technical Agency for Criminal Investigations at the Public Ministry (Attorney General's Office) 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 August the PMOP had approximately 4,000 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 investigated 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 2016 more than 7,000 members of the armed forces, including army, navy, air force, PMOP, and others, received training on human rights and use of force. More than 3,000 received gender training. The armed forces and various NGOs provided the training. As of August the Vice Ministry of Human Rights and Justice had trained more than 3,500 members of the armed forces on human rights.

Corruption and impunity remained serious problems within the security forces. Some members of the HNP committed crimes, including crimes linked to local and international criminal organizations. As of August the CPTRT reported 55 cases of corruption linked to members of the security forces, including 33 prison officials.

As of November 30, the Police Purge Commission reported that, since its creation in April 2016, it had reviewed the conduct of approximately 14,000 HNP officers and removed 4,445.

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 then 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 35 cases of illegal detention or arbitrary arrest as of October.

Pretrial Detention: Judicial inefficiency, corruption, and insufficient resources delayed proceedings in the criminal justice system, and lengthy pretrial detention was a serious problem. According to the UNAH's Violence Observatory, as of July, 55 percent of the prison population had not been convicted. For crimes with minimum sentences if convicted 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. Pretrial detainees were often held with convicted prisoners. 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 constitution and law provide 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. The Supreme Court approved a National Plan to Eradicate Judicial Delay, aimed at reducing wait times for court cases. As part of that plan, the court established three new mobile justices of the peace in July and inaugurated new courts: one in July, two in August, and two in October.

On June 30, Teodoro Bonilla, former vice president of the Judicial Council, was found guilty of influence peddling for using his position in the judiciary to obtain dismissal of charges against two relatives facing criminal prosecution for engaging in organized criminal activities. On September 11, Bonilla was sentenced to serve six years in prison and to pay a fine of 200,000 lempiras (\$8,470), the first ever conviction for influence peddling by a government official. The Public Ministry had requested the maximum sentence of nine years' imprisonment and a fine of 300,000 lempiras (\$12,700).

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 can receive free assistance of an interpreter, and the Supreme Court created a new public registry of interpreters in November to ensure that defendants had access to free interpretation. The law permits defendants to confront witnesses

against them and offer witnesses and evidence in their defense. 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 constitution and law generally prohibit such actions, a legal exception allows government authorities to enter a private residence to prevent a crime or in case of other emergency. There were credible complaints that police occasionally failed to obtain the required authorization before entering private homes. As of June the judicial system reported three convictions in 10 alleged cases of illegal entry by government officials. The CPTRT reported five cases of illegal entry into homes by members of the security forces as of August. There were also complaints that security forces entered private homes without the required authorization during a 10-day state of emergency and curfew imposed in December.

Ethnic minority rights leaders and farmworker organizations continued to claim that the government failed to redress actions taken by the security forces, government agencies, and private individuals and businesses to dislodge farmers and indigenous peoples from lands over which they claimed ownership based on land reform laws 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 constitution and laws provide for freedom 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 penal code 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.

Media associations and NGOs expressed concerns about revisions to the penal code in January that criminalize certain speech, including on social media, regarding terrorism.

Violence and Harassment: There were continued reports of harassment and threats against journalists and social communicators (including social and political commentators, talk-show hosts, and bloggers). 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 members of the media and social communicators. UNAH's Violence Observatory reported two killings of journalists and social communicators during the first six months of the year. For example, on January 17, journalist Igor Abisai Padilla Chavez was shot and killed. There were also many reports of intimidation and threats against members of the media and their families, including from members of the security forces and from 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 (see section 2.b.). Several senior state officials made public comments that local and international civil society organizations interpreted as threatening towards their members. This included the minister of environment, who in January suggested police should arrest members of international NGOs reporting on corrupt activities, and the chief justice of the Supreme Court at the midterm review of the Universal Periodic Review in Geneva, who stated domestic and international civil society acted in their own interests and presented false information that indirectly incited violence. Members of the Police Purge Commission, National Anti-Corruption Council, and Organization of American States' Mission against Corruption and Impunity in Honduras (MACCIH) reported receiving threats. Among others, Olivia and Berta Zuniga, the daughters of killed activist Berta Caceres, reported being targets of multiple threatening incidents. The AFL-CIO's International Solidarity Center reported threats against several labor leaders, including public sector union leaders (also see section 7.a.). On April 13, melon-sector union leader Moises Sanchez Gomez reported being attacked by several individuals who warned him to cease his union activities. His brother Hermes Misael Sanchez Gomez was injured by a machete in the attack.

The Ministry of Human Rights, Justice, Governance, and Decentralization continued to strengthen implementation of the 2015 Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators. A key part of this law was the creation of a national mechanism for the protection of human rights defenders and others protected by law. Some NGOs continued to express concern about weak implementation of the law and limited resources available for the protection of human rights defenders. Civil society organizations continued to criticize the government's failure to investigate threats against activists and journalists adequately.

The government allocated a budget of 10 million lempiras (\$424,000) in 2016, and 15.2 million lempiras (\$644,000) in 2017--10 million lempiras (\$424,000) from the National Budget for the operation of the mechanism, and an additional 5 million lempiras (\$212,000) for protective measures from the Security Tax for the protection mechanism. By June 30, it had 27 permanent and contract staff. As of June 30, the mechanism had received 81 new requests for protection, of which 62 met the requirements of the law and were accepted. This increased the total requests for protection since the law's approval in 2015 to 168. Of these, it had accepted 118, and from these, 14 cases were closed because the beneficiaries had left the country or had rejected the protection measures. The remaining 104 cases included 73 human rights defenders, 19 journalists, three social communicators,

and nine justice-sector workers. Of these requests, 17 were from persons who were already beneficiaries of protection measures mandated by the Inter-American Commission on Human Rights (IACHR) that the Human Rights Office of the Ministry of Security continued to implement. As of June 30, the Ministry of Security had transferred eight cases to the protection mechanism of 66 outstanding IACHR orders for protection in the country.

The HNP's Violent Crimes Task Force (VCTF) investigated crimes against high-profile and particularly vulnerable victims, including judges, journalists, human rights activists, and members of the LGBTI community. As of October 2, the VCTF had remitted 25 cases to the Public Ministry, carried out 34 raids with judicial orders, executed 12 warrants for capture, detained 26 persons involved in crimes, and obtained six judicial sentences.

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

Libel/Slander Laws: Citizens, including public officials, can initiate criminal proceedings for libel and slander. On September 7, indigenous Garifuna community activist Miriam Miranda issued an alert that police were attempting to arrest her following charges of slander brought by international businessmen over land disputes between the businessmen and Garifuna communities.

A health ministry official charged a union activist with slander after the activist filed charges with the Public Ministry that the official had paid to have him killed following his public statements about corrupt activities in a regional hospital. The Public Ministry conducted an investigation and brought charges against the official, but a judge found insufficient evidence to continue to trial. The official subsequently brought charges of slander against the union leader. A judge dismissed a request by the union leader to dismiss the charges and ordered the case to proceed to trial.

National Security: Reporters without Borders and other civil society organizations continued to express concerns about potential abuse of the law for the Classification of Public Documents Related to Defense and National Security. Beginning in the third quarter of 2015, the government made available to the public some information about activities that the security tax and other trust funds support, and it incorporated trust fund numbers into the current budget. In June

MACCIH issued a report detailing the necessity of changing the law to effectively combat corruption.

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 2016 approximately 30 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 constitution and law provide 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 peaceful demonstrations. As results were delayed in the close presidential election, protests related to perceived fraud and manipulation of results broke out in late November and early December. Human rights organizations alleged that members of the security forces used excessive force in postelection violence and killed between 16 and 22 individuals. Some protesters were violent, attacking security forces and members of the media with weapons such as rocks and Molotov cocktails, killing at least one member of the security forces in December, damaging public and private property, and limiting access to public and private facilities. On several

occasions police used tear gas and water cannons to disperse violent protesters. Authorities temporarily detained protesters wielding rocks, machetes, and other dangerous items and would sometimes press charges.

On August 15, during a protest over a hydroelectric project in the community of Pajuiles, police used tear gas to disperse the protesters and arrested five individuals for instigating violence. Protesters claimed they became violent only after police arrested the peaceful protest leaders and allegedly assaulted a pregnant woman in the process.

Many civil society leaders and organizations condemned a decision by UNAH leaders authorizing police to evict protesters on September 8 from the Tegucigalpa UNAH campus. During the eviction civil society organizations criticized police for excessive use of force against a group of students and human rights activists. The students claimed university security personnel locked them in a campus building when police ordered everyone to leave the campus. Police attempted to detain the students after they escaped from the locked building, at which point they locked themselves in a vehicle with human rights defenders who claimed they had arrived to monitor the situation. A video surfaced showing police pepper-spraying the group as they left the vehicle. Several of the individuals required medical attention, and police reportedly failed to provide it. The police claimed they used appropriate force and only acted following aggressive actions by some of the students. The Police Purge Commission called for the police officers involved to be suspended and the launch of a formal investigation. On September 26, a judge upheld charges of trespassing against the students and charges of attacking state security for three human rights activists.

Law enforcement evictions of protesters, land rights activists, and others were generally conducted peacefully, although injuries were occasionally reported. As with the UNAH students, the government charged some individuals with trespassing after they occupied disputed land or public buildings and required them to present themselves to judicial authorities periodically while legal proceedings against them were pending. Civil society organizations claimed that by doing so, the government was criminalizing social protest and favoring powerful business and political elites that had acquired resources through corruption and other criminal activity.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right. The penal code 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 (\$1,270 to \$2,540) 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 existing 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: In practical terms 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 2016 UNHCR estimated there were approximately 174,000 IDPs in the country. In 2016 CONADEH identified 87 new cases of forced displacement and 370 cases of individuals at risk of forced displacement. The CPTRT reported 166 new cases of forced displacement as of September. Internal displacement was generally caused by violence, national and transnational gang activity, human trafficking,

and migrant smuggling. 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 an interinstitutional commission to address the problem of persons displaced by violence, which focused on policy development to address IDPs. In 2016 the commission presented a draft law to the cabinet for the prevention of internal displacement and protection of internally displaced persons that would clarify the role and presence of the commission and the types of government assistance provided to IDPs. In 2016 CONADEH also created a Forced Internal Displacement Unit (UDFI), in cooperation with UNHCR. The UDFI responded to claims of forced displacement with a focus on humanitarian assistance to victims and documentation of incidents and trends. Observers criticized the government for focusing on IDPs from a security standpoint, and not protection, and noted the commission and government response were hampered by limited budgetary resources, which prevented the law's passage or the development or implementation of a holistic government response to internal displacement. On September 12, the government authorized the creation of an independent Secretariat for Human Rights effective January 1, 2018. The secretariat is to have a directorate to address IDP rights. The government hosted the Comprehensive Refugee Response Framework conference in October and volunteered to be part of a UNHCR pilot program to respond to displacement.

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. As of April authorities had received 14 applications for asylum, of which they approved three and continued to process the remainder.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide 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 the

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, 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 Organization of American States (OAS) and the European Union (EU) both fielded observer teams for the November 26 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 say with certainty who won the presidential election. The EU electoral observation mission agreed that there were serious irregularities in the process, but concluded that the safeguards built into the system, including posting of voting results forms on a public website, helped ensure transparency. NGOs reported irregularities, including problems with voter rolls, the 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. A new law passed in January aims to help address this issue (see section 4, Financial Disclosure).

Participation of Women and Minorities: No laws limit the participation of women and/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 frequently engaged 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, current and former senior officials, mayors and other local authorities, and police officers. The quasi-governmental National Anticorruption Council had an investigative unit of 15 persons. The council receives government

funding, which obliges it to disclose the names of its investigators, making them vulnerable to reprisals. Council staff reported credible personal threats and attempts at intimidation. NGOs said that some individuals who reported public corruption also received threats.

The MACCIH began operations in the country in April 2016 with a mandate to prevent and combat corruption, reform the criminal justice system, reform aspects of the political and elections legal framework, and improve public security.

Corruption: Prosecutions of public-sector corruption predominantly targeted low-level officials and focused on charges of abuse of authority and misconduct in public office, which were easier to prove but carried lower penalties than illicit enrichment, fraud, and money laundering. There were reports that the government's anticorruption institutions did not take sufficient steps to contain high-level corruption and were unwilling or lacked the professional capacity and resources to investigate, arrest, and prosecute those involved. On September 11, new anticorruption courts staffed with 11 judges and magistrates began operating in Tegucigalpa and San Pedro Sula. In May 2016 the Supreme Court ordered the creation of these special courts in order to investigate crimes including corruption, bribery, misuse of public office, misappropriation of public funds, and falsification of documents. Funded by the security tax, the courts were initially provided an approximately 6.5 million lempira (\$275,000) budget, and in January judges were selected by a commission that included representatives from the NGO Association for a Better Society and the MACCIH.

On June 19, a tribunal of judges returned guilty verdicts against five former public officials for using shell companies to divert more than 290 million lempiras (\$12.3 million) from the Social Security Institute. The tribunal also found defendant Mario Zelaya Rojas, the former director of the institute, guilty on charges of abuse of authority and fraud, and defendants Jose Ramon Bertetty and Vivian Melissa Juarez Fiallos guilty of violation of duties of public officials and fraud. This was the fourth conviction obtained by the Public Ministry against Zelaya and brought total convictions obtained in the case to 15. One of the convictions against Zelaya resulted in a sentence of 15 years' imprisonment, the longest on corruption charges for a former public official in the history of the country.

On July 13, the MACCIH announced the start of an investigation into the private energy company Desarrollos Energeticos, SA (DESA), partially owned by the Atala family. Civil society long maintained that DESA, parent company of the controversial Agua Zarca hydroelectric plant, had ties to the killing of

environmental activist Berta Caceres and that government corruption contributed to the climate of impunity surrounding her death. One DESA employee and one former DESA employee were among eight suspects being prosecuted for her killing.

Financial Disclosure: Public officials are subject to financial disclosure laws 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 published the names of public officials who did not comply with disclosure laws. In January the congress passed a Campaign Finance Law that created a Financing, Transparency, and Accountability Unit to improve political campaign fiscal transparency. On May 30, the congress elected and swore in three magistrates to oversee the unit, which falls under the purview of the Supreme Electoral Tribunal. The new law and unit require political candidates and parties to open bank accounts and report all expenditures in an effort to increase transparency for elected government officials.

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. Some human rights organizations claimed that government officials made statements about activists and organizations that constituted threats or harassment (see sections 2.a. and 2.b.).

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 Human Rights Court 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. A vice ministry of human rights and justice resided in the Ministry of Human Rights, Justice, Governance, and Decentralization. On September 12, the government officially authorized the creation of an independent Secretariat for Human Rights effective January 1, 2018. The Public Ministry's Office of the Special Prosecutor for Human Rights handled cases involving charges of human

rights abuses by government officials. The congress had a Human Rights Committee. The Ministries of Security and Defense both had human rights offices.

The government continued to implement 37 recommendations from a Truth and Reconciliation Commission created after the 2009 political crisis.

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: Both the penal and labor codes criminalize 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, involuntary sterilization, or other coercive population control methods. Estimates

on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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. Although birth registration was widely available in 2015, UNICEF reported that, according to the National Population and Housing Census of 2013, an estimated 65,000 children did not have birth registration documents. The largest numbers of unregistered children were in indigenous and Afro-Honduran communities.

Education: Education is tuition-free, compulsory, and universal through the 12th grade, although high school students had to pay fees.

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 326 children as of August. As of July Casa Alianza reported there were no arrests in 80 percent of homicide cases of individuals age 23 and under. While there were some improvements in the overall security situation, there were reports that police committed acts of violence against poor youths.

For additional information, see Appendix C.

Early and Forced Marriage: On July 12, the congress amended the law to raise the minimum legal age of marriage for both boys and girls to 18 with parental consent. It was previously 16 for girls with parental consent. According to government statistics, 10 percent of women married before age 15 and 37 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 under 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 (\$42,400 to \$106,000). The law prohibits the use of children under 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. Casa Alianza assisted 596 street children as of August.

One civil society organization 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.

Institutionalized Children: Between January 2015 and September 2016, at least 10 juveniles were killed while in detention in government facilities, nine of them in the Renaciendo juvenile detention center. CONAPREV reported four incidents at Renaciendo as of August, including violence between members of the 18th Street gang and another gang, Los Chirizos, resulting in the deaths of two minors affiliated with Los Chirizos and injuries to 11 other detainees.

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 travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The Jewish community, located primarily in San Pedro Sula, numbered several hundred. Leaders of the Jewish community reported frequent expressions of anti-Semitism in political discourse and events, ranging from swastikas spray painted on public buildings to hate speech in political speeches and on social media.

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 had a disabilities unit in the Ministry of Development and Social Inclusion.

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.

Communal ownership was the norm for most indigenous land, providing land-use rights for individual members of the community. Documents dating to the mid-19th century defined indigenous land titles poorly. Communities complained of lost, stolen, illegally sold, and otherwise contested historical titles. The government continued its efforts to recognize indigenous titles. Lack of clear land titles provoked land use conflicts with nonindigenous agricultural laborers, businesses, and government entities interested in developing lands that indigenous and other ethnic minority communities traditionally occupied or used.

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

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 was widespread. As of October the special prosecutor for human rights was investigating nine formal complaints of discrimination by LGBTI individuals in previous years. Representatives of NGOs that focused on the right to sexual diversity alleged that the PMOP and other elements of the security forces harassed and abused LGBTI persons. As of August APUVIMEH, an NGO that works with LGBTI persons, reported eight violent deaths of LGBTI persons in the central areas of the country. The UNAH Violence Observatory reported five homicides as of August. NGOs also documented multiple instances of assaults and discrimination against LGBTI persons, leading to forced displacement of some individuals.

LGBTI rights groups asserted that government agencies and private employers engaged in discriminatory hiring practices. LGBTI groups continued working with the VCTF, Ministry of Security, and Office of the Special Prosecutor for Human Rights to address concerns about intimidation, fear of reprisals, and police corruption. From September 2016 through July 2017, the VCTF made arrests in four cases.

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 get identity documents with their chosen gender.

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 STSS administratively ruled that seasonal workers could not hold leadership positions in a union. Labor unions criticized this decision, saying it violated labor rights and international standards. 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

International Labor Organization (ILO) expressed concerns that restricting strikes in so many sectors was excessive. 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 ILO expressed concerns about the government's authority to end disputes in several sectors, including oil production and transport, because such authority is vulnerable to abuse.

The government did not effectively enforce the law. A new law passed during the year substantially increases fines for labor law violations and updates the authorities of Ministry of Labor inspectors. Under the new law, the STSS can fine companies that violate the right to freedom of association. The law permits a fine of 300,000 lempiras (\$12,700) 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. As of October 13, every fine imposed under the new law was under appeal, and no case had been resolved. The new law streamlines the process so that when the STSS imposes fines, inspectors no longer have to clear them through the Central Office of the Inspector General, a requirement that added a year or more to the time between an inspection and a fine. Both the STSS and the courts may order a company to reinstate workers, but the STSS lacked the means to ensure compliance. 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.

Civil servants frequently engaged in illegal work stoppages without experiencing reprisals. Medical professionals and others continued to hold strikes throughout the year to protest arrears in salary and overtime.

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. There were some complaints that employers delayed making such notifications.

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. Employers often threatened to close unionized factories and harassed or dismissed workers seeking to unionize. Local unions, the AFL-CIO's International Solidarity Center, and other organizations reported that some employers dismissed union leaders in attempts to undermine union operations. Civil society organizations regularly raised concerns about practices by agricultural companies, particularly in the south. As of August the Solidarity Center reported that it was aware of 25 cases of individuals fired for union activism. In 2015 the STSS levied 650,000 lempiras (\$27,500) in fines on 134 companies for labor rights violations. As part of a bilateral Monitoring and Action Plan signed by the minister of labor in 2015, in March the government increased fines for violations of labor laws through the new labor inspection law.

Employers often failed to comply with STSS orders requiring them to reinstate workers fired for engaging in union activities. The International Solidarity Center reported threats against several labor leaders, including public-sector labor union leaders. Civil society groups reported three labor activists or union leaders had

been violently attacked as of August. As of September NGOs documented eight cases of threats or violence against union leaders during the year, including leaders in the agricultural and public sectors.

There was credible evidence that some employers in the manufacturing industry continued to blacklist employees who sought to form unions. Labor activists highlighted one export factory, Petralex, that allegedly closed operations in response to unionization and reopened under a new name, blacklisting former union members. Some companies in other sectors, including the banana 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 of up to 100,000 lempiras (\$4,240) were insufficient to deter violations and were rarely enforced. Penalties for forced labor under antitrafficking laws 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 men, women, and children in both rural and urban areas (also see section 7.c.). The 2015 prison labor law requiring prisoners to work at least five hours a day, six days a week, took effect in January 2016. Regulations for implementing the law were still under development as of September. The Ministry of Human Rights, Justice, Governance, and Decentralization said 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 up to age 18 may perform. By law all minors between 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 will not work outside the country or in hazardous conditions, including in offshore fishing. The STSS approved 132 such authorizations between 2014 and August. 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 under the age of 18, but the STSS can 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.

The government did not devote adequate resources or sufficient inspectors to monitor compliance with child labor laws or to prevent or pursue violations. Fines for child labor are 100,000 lempiras (\$4,240) for a first violation, and as high as 228,000 lempiras (\$9,660) for repeat violations. These fines are higher than those for other violations of the labor code. 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 did not effectively enforce child labor laws, except in the apparel assembly sector, and there were frequent violations. The STSS issued 35 fines in 2015 for child labor violations. As of September the STSS had identified 14 small businesses that employed children and fined seven of them.

Estimates of the number of children under 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; rummaged 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 murder (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 (\$212) fine. The government did not effectively enforce these laws and regulations.

Many employers discriminated against women. According to a 2013 study by the National Institute for Women, employers paid women an average of 16 percent less than they paid men for comparable work. Female workers in some export-oriented industries and the agricultural sector continued to report being required to take pregnancy tests as a condition of employment. Persons with disabilities, indigenous and Afro-Honduran persons, LGBTI persons, and persons with HIV/AIDS also faced discrimination in employment and occupation (also see section 6, Children). As of August the STSS reported that it had received no formal complaints of work discrimination. The International Solidarity Center reported that the STSS had received 12 complaints of discrimination based on disability.

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 minimums range from 5,869 lempiras (\$250) to 10,168 lempiras (\$430). The law does not cover domestic workers.

The law applies equally to citizens and foreigners, regardless of gender, and prescribes a maximum eight-hour shift per day for most workers, a 44-hour workweek, and at least one 24-hour rest period for every six days of work. It also provides for paid national holidays and annual leave. The law requires overtime

pay, bans excessive compulsory overtime, limits overtime to four hours a day for a maximum workday of 12 hours, and prohibits the practice of requiring workers to complete work quotas before leaving their place of employment. The law does not protect domestic workers effectively.

In 2015 the government approved a new social security law. As part of the new law, employers must deposit at least 50 percent of the severance pay to which an employee is entitled into a bank account in the employee's name. This provision, however, remained suspended as of September, pending the resolution of several court cases and further clarification of how the law will be implemented.

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.

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. An inspection law (see 7.a., Freedom of Association and the Right to Collective Bargaining) was passed by the congress, and was in force, but at year's end the implementing regulations had not been finalized. The new 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 (\$4,240) for violating occupational safety or health regulations and other labor code violations. As part of the Monitoring and Action Plan, the government nearly doubled the budget for inspectors, from 31.1 million lempiras (\$1.32 million) to 59.5 million lempiras (\$2.52 million). As of August inspectors had conducted 11,494 inspections, including 3,163 at work sites and 8,331 at STSS offices. As of December the STSS had 148 labor inspectors.

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 labor laws, 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. The STSS conducted 31 reinspections of companies identified as labor rights violators under a Dominican Republic-Central America Free Trade Agreement complaint filed in 2012 by labor unions. 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 of violations of overtime limits, with agricultural workers allegedly working seven days a week for many months. There were credible allegations of compulsory overtime at apparel assembly factories--particularly for women, who made up approximately 65 percent of the sector's workforce--as well as in the private security sector and among domestic workers. Employers frequently denied workers mandatory benefits, including vacation pay and 13th- and 14th-month bonuses. As of August the STSS had recovered 26.9 million lempiras (\$1.14 million) in unpaid severance from four companies and was working with an additional three companies to complete collection of outstanding severance payments from them. There were reports that both public- and private-sector employers failed to pay into the social security system.

Human rights organizations continued to report that workers in the private security and domestic sectors were typically obliged to work more than 60 hours a week, but were paid for only 44. Domestic workers often lacked contracts and received salaries below a living wage. Since many lived in on-site quarters, their work hours varied largely based on the will of individual employers. Private security guards also often worked for salaries below the minimum wage. Many guards worked every two days on 24-hour shifts, in violation of the law. Civil society organizations also reported that employers often forced workers in cleaning services and the fast food industry to work shifts of 12 hours or more, violating the legal limit. The STSS regularly received complaints of failure to pay agreed overtime, especially in the security and cleaning service sectors. As of August the STSS had received 85 formal complaints of failure to pay overtime and fined 57 companies for not doing so. The STSS estimated that more than 60 percent of workers were employed in the informal economy.

There continued to be reports of violations of occupational health and safety laws affecting the approximately 3,000 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. In 2014 the UN Committee on the Elimination of Racial Discrimination raised similar concerns, calling the working conditions “deplorable.” 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. In 2014 the government banned compressed air diving for sea cucumbers because of deaths in the dive fisheries. The STSS inspected 45 fishing boats at the opening of the season. As of September 20, the Honduran Miskito Association of Crippled Divers (AMHBLI) reported five deaths and 15 injuries. AMHBLI reported the deaths of 455 divers and the crippling of 1,750 others since 1988.