

HONDURAS 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Honduras is a constitutional, multiparty republic. National and local elections were held in November 2013. Voters elected Juan Orlando Hernandez of the National Party as president for a four-year term that began in January 2014. International observers generally recognized the elections as transparent, credible, and reflecting the will of the electorate. Civilian authorities at times did not maintain effective control over the security forces.

Pervasive societal violence persisted, although the state made measurable progress in reducing it. Reports of violence in rural areas, including the Bajo Aguan region, related to land-rights disputes involving indigenous people, agricultural workers, and landowners remained significantly lower than in recent years. 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, and intimidation of journalists, women, and human rights defenders.

The most serious human rights problems were corruption, intimidation, and institutional weakness of the justice system leading to widespread impunity; unlawful and arbitrary killings and other criminal activities by members of the security forces; and harsh and at times life-threatening prison conditions.

Other human rights problems included lengthy pretrial detention and failure to provide due process of law; threats from criminal elements against journalists, bloggers, human rights defenders, judicial authorities, and lawyers; violence against and harassment of women; child abuse; trafficking in persons, including child prostitution; human smuggling, including of unaccompanied children; encroachment on indigenous lands and discrimination against indigenous and Afro-descendent communities; violence against and harassment of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; ineffective enforcement of labor laws; and child labor.

The government took some steps to prosecute and punish officials who committed abuses, including arresting and charging members of Congress, judges, prosecutors, mayors and other local authorities, and police officers, but corruption, intimidation, and the poor functioning of the justice system contributed to widespread impunity. Civilian authorities arrested and investigated members of

security forces alleged to have committed human rights abuses. Impunity, however, remained a serious problem, with prosecution in some cases of military and police officials charged with human rights violations moving too slowly or remaining inconclusive.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were multiple reports members of the security forces committed arbitrary or unlawful killings.

On October 9, in the Rivera Hernandez neighborhood of San Pedro Sula, members of the Honduran National Police (HNP) detained 15-year-old Mario Enrique Santos in connection with the killing of a police officer earlier that day, according to members of Santos's family. The body of the teenager was discovered the next day with multiple gunshot injuries and his hands tied behind his back. Police reportedly detained two other individuals that same day, but their whereabouts remained unknown. The Public Ministry was investigating the case as of November 30.

On October 24, teenager Wilber Alexander Espinoza was shot and killed in El Triunfo, Choluteca Department. On November 3, authorities arrested HNP officer Yelson Gustavo Salinas Vallejo for alleged involvement in Espinoza's death. According to media reports, Salinas Vallejo was off-duty visiting his residence in El Triunfo and had intended to shoot a different member of the victim's family. The Public Ministry filed charges against Salinas Vallejo, who on November 6 was remanded to prison pending trial.

On November 1, members of the Military Police for Public Order (PMOP) were allegedly involved in a shootout with gang members in San Pedro Sula. Eleven-year-old Yoslin Isaac Martinez Rivera was shot and killed in the exchange of gunfire. Discrepancies between PMOP statements and those of the local community led the Public Ministry to open an investigation into Martinez's death. The case remained open as of November 30.

On November 15, Jose Armando Gomez Sanchez was found dead with multiple abrasions at the police station in San Rafael, Lempira Department. Authorities arrested police officer Donis Joel Figueroa Reyes for Gomez's death but he escaped custody on November 16 and remained at large as of November 30. The

two police officers responsible for guarding Figueroa during the time of his escape were questioned and released.

In October a criminal court acquitted nine members of the army's Ninth Infantry Battalion of torturing and killing Amado Maradiaga Quiroz and the torture of his son, Milton Noe Maradiaga Varela, in May 2014. The soldiers--Noe David Castellanos, Carlos Gabriel Avila Galindo, Kent Benford Gonzales Ferrufino, Ricardo Alfredo Martinez Lopez, Franklin Joel Vasquez Lopez, Edwin Neptali Gutierrez Carias, Franklin Alonso Mendoza Carcamo, Rony Rodriguez Caliz, Delmer Adalid Sanchez Calix, Luis Daniel Zelaya Sosa, and Cristian Nahum Rodriguez--faced charges of torturing the victims during a search for illegal weapons. As of mid-December prosecutors intended to appeal the case, but the court had not issued a formal ruling of acquittal, which was required before an appeal could be filed.

Four members of armed forces intelligence were in custody on charges of killing siblings Ramon Eduardo Diaz Rodriguez and Zenia Maritza Diaz Rodriguez in 2014. Witnesses told police that up to four men wearing ski masks and bulletproof vests abducted the two the night before their bodies were discovered. Two soldiers, Elmer Eliazar Mejia Aguilar and Jose Luis Melgar Deras, were acquitted in August for lack of proof. Prosecutors intended to appeal the case.

In January, Eleazar Ismael Rodriguez Martinez, a soldier, was sentenced for the 2012 killing of 15-year-old Ebed Jassiel Yanes Caceres. The court acquitted two other soldiers charged in the case. In November 2014 a judge acquitted higher-level officers implicated in the cover-up of the killing.

Reports of violence related to land conflicts and criminal activity in the Bajo Aguan region decreased during the year, although six persons were killed as of September, according to the government. Unlike in previous years, there was no evidence security forces or private security guards perpetrated the killings. On September 19, the Bajo Aguan Task Force (BATF) made an arrest linked to the July 18 killing.

The BATF--launched by the police and Public Ministry in 2014 to investigate killings related to the land conflicts dating back to 2010--was pursuing 173 cases as of September, including 12 cases of missing persons. From April to September, the BATF obtained arrest warrants for 19 individuals and made eight arrests. Between April 27 and May 8, the BATF conducted 22 exhumations. Human rights organizations in the region reported receiving citizen complaints of torture, abuse,

and mistreatment by security forces but stated that victims often did not file formal complaints due to fear of repercussions. Government investigators pointed to a lack of resources and obstruction by agricultural laborers and some NGOs (non-governmental organizations) as reasons for the lack of progress in investigations. A military task force continued operations to restore order in the region by confiscating illegal weapons and drugs and executing legal property eviction orders.

According to the Violence Observatory of the National Autonomous University, there was a decrease in the overall annual homicide rate, from 66 per 100,000 in 2014 to an estimated 59.5 per 100,000 during the year. Reports linked many of these cases to organized criminal elements and gangs. The HNP reported 3,207 homicides as of August 26, compared with 3,771 for the same period in 2014.

b. Disappearance

On October 22, a judge found sufficient evidence to proceed with the case against imprisoned gang leader Jose Augusto Turcios for the April 8 kidnapping and killing of union leader Donatilo Jimenez Euceda. Jimenez Euceda disappeared on April 8 from his place of work at the Regional University Center of the Atlantic Coast (CURLA) in La Ceiba. According to the Public Ministry, Augusto Turcios ordered the kidnapping from jail. Ministry officials claimed to have audio recordings detailing the kidnapping and death of Jimenez Euceda, whose body was not found. Labor leaders and family members claimed his disappearance was related to his labor activism at the National Autonomous University.

As of October the BATF was investigating the June 18 disappearance of agriculture worker Francisco Javier Ruiz Peralta, a possible victim of violence over land claims in the Bajo Aguan region.

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

Although the constitution and law prohibit such practices, human rights NGOs reported receiving complaints of abuse by security forces both on the streets and in detention centers. As of September, however, the National Human Rights Commissioner (CONADEH) reported no complaints of torture committed by members of security forces or other government officials, whereas the Special Prosecutor for Human Rights reported 21 complaints of torture by members of the security forces as of October 2. The HNP inspector general reported two

complaints of torture, 22 complaints of abuse of authority, and three complaints of mistreatment by police as of September.

In 2014 three soldiers were arrested and their unit commander temporarily suspended in connection with an investigation of alleged torture of artisanal miners working in a mine that had been closed for safety reasons. The soldiers, Lieutenants Wilfredo Corrales Sanchez and Jonathan Ariel Estrada Borjas and Sergeant Ananias Misael Almendares Silva, were seen on public video committing the apparent crime. The government charged all three defendants with torture, abuse of authority, and dereliction of duty. An appeals court provisionally dismissed charges against the three soldiers, and the Public Ministry requested a new hearing to present new evidence, scheduled for February 2016.

In response to complaints that police were mistreating local residents, the special prosecutor for human rights and the HNP's General Directorate for the Investigation and Evaluation of the Police Career undertook a surprise joint investigation in September of five police stations in Tegucigalpa. At one station investigators found four underage detainees, including one with a foot injury allegedly sustained during a police beating.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to extensive gang-related violence, and inability of the government to control criminal activity in the prisons. Prisons were also subject to overcrowding, insufficient access to food and water, violence, and abuses 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 country had 25 prisons, one of them exclusively for women, and four preventive detention centers. As of September the total prison population was 15,914 in a system with a designed capacity of 8,130. As of September 21, there had been 40 deaths in prisons--25 due to violence and 15 due to natural causes. In 2014 and 2015, the government created four detention centers, located in three military installations and one police installation, to hold individuals undergoing judicial proceedings. As of September there were 66 individuals in these centers. In 2014 the National Human Rights Commissioner inspected the conditions at these installations and recommended they not become permanent prisons.

In August 2014 the food budget per day per prisoner increased from nine to 30 lempiras (\$0.41 to \$1.50) following complaints from members of congress that some local prisons were relying on charities to feed prisoners due to lack of government funding. In most prisons access to potable water was limited to prisoners who purchased bottled water or had water filters in their cells.

Due to overcrowding and lack of adequate training of prison staff, prisoners were subject to various abuses, including rape by other inmates. Prisons lacked trained personnel to safeguard the psychological and physical wellbeing of inmates, and some prisons lacked sufficient security personnel. In addition to human rights training (see 1.d.), the National Penal Institute (INP) provided management, communications, and customer service training to 210 members of the staff.

Prisoners had ready 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 and dangerous environment in the penitentiary system. The media reported multiple prison riots and violent confrontations between gang members throughout the year. CONADEH reported at least four deaths during riots. Authorities held prisoners from rival gangs in separate facilities or in separate areas of the same prison to reduce gang violence. In some facilities prisoners themselves controlled their own areas, including the provision of cell space, food, and services, while prison staff provided security outside the perimeter of each living unit and facility. In response to the violence, the INP transferred some high-security prisoners elsewhere. Authorities installed additional equipment to block cell-phone calls. Police and military units conducted raids for weapons, drugs, and other prohibited items.

In addition to isolation and threats, there were credible reports from human rights organizations that prison officials used excessive force against prisoners, including beatings, in addition to isolation and threats.

Due to charges of widespread corruption and incompetence, in June 2014, the government replaced the Institute of the Child and Family with the Directorate of Childhood and Family (DINAF), under the Ministry of Social Development. An executive decree, made DINAF responsible for the administration of the five juvenile detention centers. During the year DINAF attempted to contract the management of these centers to a local NGO but encountered violent reactions in the four centers characterized as “high-security” facilities. Gang members among the general populations evicted their staff and took control of the facilities--no staff

or law enforcement were present inside for months. At least six killings were committed among the juveniles, including five at the Renaciendo center for teenage boys outside Tegucigalpa. In January clashes between rival gangs in the Renaciendo center resulted in two homicides. Authorities arrested three minors for the homicides.

The government responded with two executive decrees declaring a national emergency in the juvenile detention centers and created an Emergency Intervention Commission of state agencies, presided over by the Secretariat of Development and Social Inclusion and including DINAF, the military, and the penitentiary police, to assume control of the centers. In August police imposed a measure of control over Renaciendo, the final and most problematic of these centers. Raids by security forces in the centers found cell phones, arms, and drugs. The government approved the allocation of 48 million lempiras (\$2.18 million) for the Emergency Intervention Commission. As of October 14, there were 359 minors in five juvenile detention centers, despite the existence of a legal framework of alternative sentencing outside the juvenile detention system.

Authorities generally held female prisoners in a separate facility under conditions similar to those of male prisoners. Some women were housed in separate areas of men's prisons. Children up to the age of three could stay with their mothers in prison. Authorities often held pretrial detainees together with convicted prisoners.

Authorities held persons with mental illnesses or disabilities, as well as those with tuberculosis and other infectious diseases, together with the general prison population. In 2014 the National Penitentiary in Tamara reported their facility was the only prison with an antiretroviral treatment program. It did not have necessary materials to test for or diagnose HIV/AIDS, tuberculosis, or diabetes. In addition, the surgical unit lacked anesthesia, surgical gloves, and needles.

Administration: The National Penitentiary Institute, an autonomous institution linked to the Secretariat of State for Human Rights, Justice, Governance, and Decentralization, managed the country's prisons. The institute was led by a committee composed of the minister of human rights, justice, governance, and decentralization; the minister of security; an NGO representative; and a representative of the National Municipal Association. Public defenders and judges sought alternatives to incarceration for nonviolent offenders to alleviate overcrowding. They also addressed the status and circumstances of confinement of juvenile offenders, as well as pretrial detention and bail. Recordkeeping procedures intended to assure prisoners did not serve beyond the maximum

sentence for the charged offense were inadequate and resulted in some prisoners serving a longer time in prison than their sentences specified.

Prisoners could submit complaints to judicial authorities without censorship and request investigation of inhuman conditions directly to the director of the prison in which they were incarcerated, who then transferred the complaints to the director of the National Penitentiary Institute. Prisoners also could file complaints with the human rights protection unit of the National Penitentiary Institute, the Public Ministry Office of the Special Prosecutor for Human Rights, and the Ministry of Human Rights, Justice, Governance, and Decentralization. The national human rights commissioner also received complaints and conducted investigations. NGO and official investigation results were available to the public. CONADEH reported 20 complaints of torture and mistreatment in detention centers as of September. NGOs reported some prisoners were reluctant to file official complaints regarding their treatment due to lack of confidence in the authorities and lack of an effective system to protect witnesses.

Independent Monitoring: The government generally permitted prison visits by independent local and international human rights observers, including the International Committee of the Red Cross (ICRC).

Improvements: The president issued an executive directive in March approving regulations for implementation of the 2012 National Penal System Law. This included the official creation of the INP as a decentralized agency of the Secretariat for Human Rights, and the establishment of the Human Rights Protection Unit of the INP (UPDDHH for its initials in Spanish) and a national penal policy. Between April and June, the UPDDHH conducted human rights training for 145 prison staff and 110 prisoners.

In February a new prison for 2,000 prisoners opened in the central region with a medical clinic, sports and educational areas, two drinking wells, and two electrical plants. A prison for 1,250 prisoners in San Pedro Sula was 80 percent completed as of September. Ground was broken in April for two additional prisons in El Paraiso Department. The government also allocated 22.5 million lempiras (\$1.02 million) from its security tax to remodel existing prisons, revised regulations governing the penitentiary system, and opened nonprofit commissaries for prisoners. The ICRC continued programs to improve water and electrical systems at some prisons. Beginning in January the penal authorities contracted doctors and nurses to staff some prison infirmaries and signed an agreement with the Ministry

of Health to provide doctors from regional health centers to visit prisons two or three times per week. All 24 penitentiaries had access to medical staff.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but human rights NGOs reported that authorities at times failed to enforce these prohibitions effectively. In contrast with 2014, CONADEH reported no cases of arbitrary arrest as of September.

Role of the Police and Security Apparatus

The HNP maintain internal security and report to the Secretariat of Security. The armed forces, who report to the Secretariat for Defense, are responsible for external security, but they also exercise domestic security responsibilities. The PMOP reports to military authorities but conducts operations approved by civilian security and defense officials. As of August the PMOP had approximately 3,150 personnel organized into six battalions. The PMOP training program included training on human rights. In 2014 the government created an interagency task force (FUSINA) to coordinate the overlapping responsibilities of the HNP, PMOP, National Intelligence Directorate, Public Ministry, Supreme Court, and the courts. FUSINA reports to the National Security and Defense Council, chaired by the president and including representatives of the Supreme Court, Congress, Public Ministry, and Secretariats of Security and Defense.

Members of the security forces alleged to have committed human rights abuses were turned over to civilian authorities. The Public Ministry, through the Office of the Special Prosecutor for Crimes against Life and other offices, is responsible for investigating cases in which a member of a security force allegedly participates in the death of a civilian, and such cases are tried in civilian courts. Members of FUSINA implicated in a death related to FUSINA activities are tried by prosecutors and judges assigned to FUSINA. A unit within the Office of the Special Prosecutor for Crimes against Life manages cases of homicides committed by security forces and government officials. As of the end of September, the unit was managing nine cases from 2015. Three cases from previous years resulted in convictions, while two cases were closed and another dismissed. The human rights office of the joint staff of the armed forces investigated allegations of human rights abuses by members of the armed forces.

Corruption and impunity continued to be serious problems within the security forces. Some members of the police committed crimes, including crimes linked to local and international criminal organizations. The Office of the Inspector General of the HNP and the semi-autonomous Directorate General for the Investigation and Evaluation of the Police Career (DIECP) were responsible for oversight of the police. The Secretary of Security took some steps to reform the security forces. In September the new Police Investigation Division replaced the previous police investigative body, the National Criminal Investigation Department (DNIC). In 2014 the secretariat created digital files for all police and began tracking police officer movements through global positioning systems on their vehicles and telephones. The secretariat conducted audits through the Office of the Inspector General. Media and civil society organizations highlighted challenges to the reform process. Some NGOs continued to criticize these steps as insufficient to reform the institution.

The DIECP is responsible for assessing current officials and potential police recruits using a vetting process that includes a criminal background check, psychological evaluation, financial investigation, and toxicology and polygraph tests. The DIECP does not directly administer all these tests but relies on other government agencies to provide much of the information.

Since vetting started in 2012, the DIECP claimed to have assessed 9,000 police officers. Since 2012 the HNP dismissed 1,400 officers for cause, including at least 71 who left the force between January and September 2015 after failing polygraphs, testing positive on toxicology tests, or engaging serious misconduct. The 1,400 dismissals also included 310 officers recommended for separation by the DIECP (out of a total of 977 officers whose dismissal the DIECP recommended). The HNP reported an additional 700 officers left the force voluntarily since the vetting process began. The media reported in November that an estimated 7,300 of the approximately 12,500 officers on the force had passed DIECP's assessments and were considered fully vetted.

On November 24, *La Tribuna* newspaper reported that more than 200 separated officers had filed court cases alleging wrongful dismissal and that the courts had awarded 45 million lempiras (\$2.045 million) in back pay and damages in 70 cases. Civil society organizations called for a transparent police reform process that includes the dismissal of police officers who fail required integrity tests.

In addition to vetting current and potential police officials, the DIECP responds to administrative and criminal complaints against members of the police related to

alleged human rights abuses, conduct unbecoming a police officer, abuse of authority, corruption, and ties to organized crime. As of September 15, the DEICP had received 493 complaints.

After concluding its investigations, the DIECP forwards cases of an administrative nature to the Secretariat of Security and cases involving possible criminal activity to the Public Ministry. The ministry is required to give each officer recommended for separation a personal hearing at which the officer has a right to defend him or herself. Many officers did not attend these scheduled hearings. This delayed efforts to purge the HNP of problem officers, since authorities may not dismiss officers who have not attended a formal hearing. Civil society organizations noted--and the DIECP acknowledged--that many cases the DIECP forwarded to either the Secretariat of Security or the Public Ministry lacked sufficient evidence for immediate prosecution or administrative action but instead required additional investigation.

Prior to June some cases were sent to the Public Ministry that should have been sent to the Secretariat of Security. As of September the Public Ministry had received 227 cases from the DIECP, including 114 cases related to alleged criminal activity. Some cases from previous years resulted in criminal indictments and convictions. Others were administratively closed after the Public Ministry determined they did not involve violations of human rights. As of September, six police officials had been separated from service after they were convicted of crimes.

In September the Office of Human Rights of the Inspector General of National Police began to report directly to the secretary of security, except for its Gender Unit, which remained under the authority of the Directorate General of the National Police. The changes left the Office of Human Rights with 36 staff, including lawyers and liaisons for every metropolitan and departmental district. As part of its seminar series to train officers across the country, the office provided human rights training to more than 2,775 officers as of September, after training more than 7,000 officers in 2014. More than 400 prison staff and authorities received human rights training during the year. Fifty junior military officers participated in a two-week human rights course. In 2014 and 2015, the military forces assigned 150 students to courses including human rights training. As part of its Cadet Leadership Development course, the military trained approximately 150 cadets in 2014 and 2015 on human rights.

Arrest Procedures and Treatment of Detainees

The law provides that police may arrest a person only with a court order unless the arrest is made during the commission of a crime, there is strong suspicion that a person has committed a crime and may evade criminal prosecution, a person is caught with evidence related to a crime, or a prosecutor has ordered the arrest. The law requires police to inform a person of the grounds for arrest and bring detainee before a competent authority within 24 hours. It stipulates that the prosecutor has 24 hours to decide if there is probable cause for indictment. A judge then has 24 hours to decide whether to issue a temporary detention order. Such an order may be effective for up to six days, by which time the judge must hold a pretrial hearing to examine probable cause and decide whether pretrial detention should continue. The law provides for bail for persons charged with some felonies and the right of prisoners to have prompt access to family members. The law allows suspected criminals to be released pending formal charges with the provision that the suspect periodically report to authorities. Authorities generally respected these provisions. Although the law also provides prisoners the right of prompt access to a lawyer of their choice, and, if indigent, to government-provided counsel, authorities did not always follow these requirements.

Arbitrary Arrest: Through July the Supreme Court reported six cases of alleged illegal detention and nine cases of alleged arbitrary arrest. In contrast with 2014, CONADEH reported no cases of arbitrary arrest or detention as of August. Civil society organizations reported arbitrary arrests during forced evictions from disputed properties.

Pretrial Detention: Judicial inefficiency, corruption, and insufficient resources delayed proceedings in the criminal justice system, and lengthy pretrial detention was a serious problem. As of September approximately 46 percent of prison inmates had been formally convicted. The law mandates the release of a detainee whose case has not come to trial and whose time in detention awaiting trial has exceeded the maximum prison sentence for the crime of which he is accused. Because of trial delays, many pretrial detainees already served time in prison equivalent to the maximum allowable for their alleged crime. Many prisoners remained in jail after acquittal or completion of their sentences due to the failure of officials to process their releases.

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, patronage, corruption, and political influence.

Low wages and the lack of internal controls rendered judicial officials susceptible to bribery. Powerful special interests, including organized criminal groups, exercised influence in the outcomes of some court proceedings.

In 2013 the judicial branch implemented an evaluation system for judges and created the National Judicial Council, which established and oversaw the evaluation system. As of October the National Judicial Council had dismissed 13 judicial-sector officials, including two judges, and temporarily suspended 77 other judicial-sector officials (57 of those temporarily suspended were later reinstated). In September the Public Ministry indicted Teodoro Bonilla, deputy president of the Judiciary Council, for abuse of authority and influence peddling, and ordered a trial. The indictment also included two additional judicial officials, Luz Maria Nunez, charged with malfeasance, and Delmi Elizabeth Lopez, charged with abuse of authority. Some judges and NGOs alleged that the evaluation system did not afford judges due process procedures that would enable them to defend themselves. They asserted that judges often learned of the disciplinary action from the media before receiving notification from their institution.

Trial Procedures

The law recognizes that an accused person is presumed innocent. Jury trials are not used. The accused has the right to receive an initial hearing by a judge, ask for bail, consult with legal counsel in a timely manner, have a lawyer provided by the state if necessary, and request an appeal. The law provides for the right to a fair public trial, permits defendants to confront or question witnesses and to present witnesses and evidence on their behalf, and grants defendants access to government evidence relevant to their cases. Authorities generally respected these rights.

Common challenges to criminal prosecutions included a lack of credible evidence presented by the prosecution, judicial corruption, widespread public distrust of the legal system, and an ineffective witness protection program; some individuals in witness protection were killed during the year.

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 bring civil charges when the criminal court determines that they may seek damages.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the constitution and law generally prohibit such actions, a legal exception allows entry into a private residence in case of emergency or to prevent a crime. There were credible complaints police occasionally failed to obtain the required authorization before entering private homes.

Ethnic minority rights leaders and farmworker organizations continued to complain the government failed to redress actions by security forces, which dislodged farmers and indigenous groups who claimed ownership of lands based on land reform laws or ancestral titles to property (see section 6, Indigenous People).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and laws provide for freedom of speech and press, with some restrictions, and the government generally respected these rights. A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the major news media and in some cases influenced the reporting in their outlets.

Freedom of Speech and Expression: In 2013 the National Congress amended the penal code to punish persons who directly or through public media incites discrimination, hate, contempt, repression, or violence against a person, group, or organization for reasons of their sex, gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or origin, language, nationality, religion, family affiliation, family or economic situation, disability, health, physical appearance or anything else that is against the human dignity of the victim.

CONADEH reported one case during the year implicating local city authorities in closing a local radio program.

Violence and Harassment: Reports of harassment and threats against journalists and social communicators (persons not employed as journalists, but who serve as bloggers or conduct public outreach for NGOs) continued. Reports linked most of these cases to organized criminal elements and gangs.

The Committee for Free Expression (C-Libre) reported that nine journalists and social communicators had been killed as of the end of September. CONADEH reported that a total of 17 journalists, social commentators, and owners and employees of media outlets were killed during 2014 and the first six months of 2015. There also were multiple reports of intimidation of members of the media and their families. CONADEH noted many cases in which journalists, social communicators, and media organizations reported being victims of threats and persecution during the year. Some journalists reported threats by members of organized crime. It was unclear whether these killings and threats were motivated by the victims' status as journalists or were simply products of generalized violence. Government officials at all levels denounced violence and threats of violence against members of the media and social communicators. The HNP's Human Rights Office continued to implement protective measures for journalists, social communicators, human rights defenders, labor leaders, fieldworker representatives, and members of the LGBTI community who received threats. Some NGOs criticized the measures as ineffective due to the limited number of persons protected and the limited resources provided to the protected persons.

As of September the efforts of the Violent Crimes Task Force of the HNP and Public Ministry led to two arrests and resulted in one conviction in homicides of journalists and social communicators. The Violent Crimes Task Force had more than 60 open cases of homicides of journalists and employees of media companies. The task force found no evidence of government involvement in any of the cases it investigated.

In February police arrested a suspect for the homicide earlier in the month of journalist Jose Carlos Fernandez Humana in Roatan. In April a judge found Edwin Donald Lopez Munguia guilty of the April 2014 murder of radio station employee Carlos Hilario Mejia Orellana, who was also a member of the LGBTI community. The Inter-American Commission on Human Rights had ordered the government to provide protective measures for Mejia Orellana after he received threats. CONADEH reported that homicide convictions were achieved in only three of 57

deaths of journalists and social communicators it monitored between 2003 and June 2015.

Censorship or Content Restrictions: Members of the media and NGOs stated the press “self-censored” due to fear of reprisal from organized crime figures or corrupt government officials.

Libel/Slander Laws: Civil society organizations condemned the September 4 Supreme Court decision rejecting the final appeal by journalist Julio Ernesto Alvarado against a 16-month court-imposed ban on working as a journalist. In 2006 Belinda Flores Mendoza, the former dean of the economics faculty at the National Autonomous University of Honduras, accused Alvarado of slander for statements he made about her on his TV Globo program *Mi Nacion*. The Supreme Court found him guilty in 2013 and sentenced him to a 16-month jail sentence and ban on working as a journalist. Alvarado paid a fine in lieu of serving the jail time, but never ceased his work as a publicly practicing journalist. In November 2014, during Alvarado’s appeal process, the Inter-American Commission on Human Rights ordered the government to postpone banning his practice of journalism while the commission concluded its review of his case, which remained in effect as of November.

On November 16, a criminal court convicted David Romero Ellner, an opposition political activist and journalist with Radio Globo and Globo TV, on six charges of slander against former prosecutor Sonia Galvez, the spouse of the deputy attorney general. Galvez was prosecutor in a 2002 case in which a court convicted Romero of sexually abusing his 10-year-old daughter. The court dismissed 10 additional charges against Romero. The trial was interrupted on July 23, when a mob of Romero sympathizers broke into the Supreme Court chamber where his case was being heard and took him to the office of the national human rights commissioner, where he stayed for several days after filing a complaint against the government for infringing on his freedom of speech and requested protection. The court eventually convicted Romero of making multiple slanderous statements against Galvez during his television program in July and August 2014, including that Galvez was a member of the mafia, sold her services to organized crime, was having an affair, and produced pornography in her office. Sentencing was expected to take place in early 2016. The case was brought privately by Galvez, who as a private citizen has the legal right to bring charges for defamation. The Public Ministry was not involved in the prosecution.

National Security: In July the semiautonomous Institution for Access to Public Information (IAIP) called on the National Congress to revise 15 articles of the Law for the Classification of Public Documents Related to Defense and National Security and eliminate the remaining two articles. The IAIP claimed the law, passed in January 2014, contradicted the country's Transparency Law and violated the constitution and international treaties on citizen access to information and government transparency. Reporters without Borders and other civil society members had expressed concern when the law was passed and continued to highlight it throughout the year as a measure that presents opportunities for corruption and could limit the transparency of government actions to combat impunity and human rights violations.

Nongovernmental Impact: Some journalists and other civil society members reported threats by members of organized crime. It was unclear how many of these related to the victims' profession or activism.

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 estimates compiled by the International Telecommunication Union and the World Bank, in 2014 approximately 19 percent of the population used the internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected these rights. During large-scale anticorruption protests that broke out in May and continued weekly for several months, security forces avoided conflict and provided space for peaceful protests near the Presidential Palace and in other heavily trafficked neighborhoods of Tegucigalpa and other cities. On a few occasions, police used tear gas and water cannons to disperse violent protesters. Authorities temporarily detained protesters wielding rocks, machetes, and other dangerous items but in general did not press charges against them. C-

Libre reported cases of university students who were undergoing judicial proceedings or had administrative actions taken against them by university officials after participating in protests.

Agricultural labor associations in the Bajo Aguan region of Colon Department claimed that two activists, Elmer Avila and Enilson Flores Rosales, were murdered in August for their participation in anticorruption protests. On September 1, field-worker activists claimed members of the Xatruch Task Force used live ammunition and tear gas against 400 protesters in Tocoa.

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 those gatherings attended 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 (\$1,360 to \$2,720) for anyone who convokes or directs an illicit meeting or demonstration. There were no reports of such cases during the year.

c. Freedom of Religion

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. In practice there were areas where authorities could not guarantee freedom of movement because of criminal activity and a lack of significant government presence.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. UNHCR reported that, between September and the end of November, approximately 1,000

Nicaraguan displaced indigenous persons arrived in the Gracias a Dios Department in the border region with Nicaragua.

Internally Displaced Persons

UNHCR remained concerned about forced displacement due to high levels of violence, national and transnational gang activity, and human trafficking and migrant smuggling. The government maintained an interinstitutional commission to address the problem of persons displaced by violence. UNHCR reported that it collaborated extensively with the commission, which aimed to monitor displacement and develop policies and programs to prevent displacement and provide protection to displaced persons, focusing on the most vulnerable persons affected by organized crime and other situations of violence. A 2015 UNHCR report stated that between 174,000 and 182,000 persons were internally displaced. UNHCR based this estimate on a survey of 20 urban areas with a total population of 4.3 million people, approximately half the country's population. Partly because gangs controlled many of the neighborhoods where internal displacement began, there were no official numbers for forced displacement in the country (see section 6, Displaced Children).

Protection of Refugees

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

Access to Asylum: The law provides for the granting of asylum or refugee status. The government has established a system for providing protection to refugees, but at times there were significant delays in processing provisional permits for asylum applicants.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government, in free and fair periodic elections based on nearly universal and equal suffrage, and citizens exercised that ability. The law does not permit active members of the clergy, the military, and civilian security forces to vote.

Elections and Political Participation

Recent Elections: In 2013 Juan Orlando Hernandez of the National Party won a four-year presidential term in elections that were generally transparent and credible. Some NGOs reported irregularities, including cards offering retail discounts issued near voting stations by the National Party, problems with the voter rolls, buying and selling of electoral worker credentials, 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 the use of electronic scanning and transmission of vote tally sheets, and the distribution of national identification cards by the National Registry of Persons rather than by political parties. President Hernandez admitted in June that an investigation into corruption at the Social Security Institute had revealed that contributors to his 2013 campaign included companies linked to the corruption scandal (see section 4).

Participation of Women and Minorities: The National Congress had one Miskito community member. There were no indigenous or Afro-Honduran cabinet members.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but authorities did not implement the law effectively. Government institutions were subject to corruption and political influence, and some officials engaged in corrupt practices with impunity. 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, including presidential staffers from previous administrations; mayors and other local authorities; and police officers.

Corruption: Since the 2014 indictment of the entire board of directors of the Social Security Institute, prosecutors filed charges against 54 persons, including former government officials and business and labor leaders; many were charged in multiple cases. As of September, 37 individuals had been arrested and two convicted of bribery and money laundering, including prominent businessman Jose Bertetty. In June the government brought charges against public officials at the Ministry of Health and employees of the private company Astropharma, including the vice president of the National Congress, Lena Gutierrez, and three members of her family. As of November 30, the case was in the preliminary-hearing stage.

A widespread public perception remained that the government's anticorruption institutions did not take sufficient steps to contain corruption and were unwilling or lacked the professional capacity and resources to investigate, arrest, and prosecute those involved in high-level corruption. In November the Association for a More Just Society, Transparency International's domestic partner, released its first reports on education and security following Transparency International's 2014 agreement with the government designed to promote and encourage transparency. The association found significant failings in the Ministries of Education and Security regarding compliance with required procedures, including in procurement and human resource management. C-Libre reported that in the first nine months of the year, more than 30 threats were made against individuals who reported public corruption, including 18 threats against journalists and social communicators.

The Corruption Prosecutor's Office in the Public Ministry continued to make slow progress in prosecuting cases involving public officials implicated in acts of corruption and abuse of power. Between March and June 2014, the office presented 16 cases totaling 61 indictments. In the same period, 13 individuals the office presented were convicted, including three cases filed after March 2014. Through July courts of first instance (Juzgados de Letras) had issued verdicts in 86 cases, including 51 new cases received during the year. As of the end of August, trial courts had received 45 new cases linked to corruption, recorded 13 convictions, and granted four acquittals. The Corruption Prosecutor's Office more than doubled its staff by adding 55 prosecutors in June.

Financial Disclosure: Public officials are subject to financial disclosure laws, but compliance with the laws was mixed. The law mandates the Supreme Financial Tribunal (TSC) to monitor and verify disclosures. The TSC published its reports on its website and published the names of public officials who did not comply with disclosure laws. A special nominating board that recommends candidates for the Supreme Court asked the candidates to submit financial disclosures.

Public Access to Information: The law provides for public access to government information for citizens, and the government generally implemented it effectively. In 2014 the National Congress passed a controversial law giving the National Security and Defense Council the authority to classify information that puts national security and defense at risk. NGOs and some members of congress criticized both the breadth of the law and the manner in which the congress approved it.

All institutions receiving public funding are required to disclose their expenditures and to present an annual report for the prior year's activities to the National Congress 40 days after the end of the fiscal year. The IAIP operated a website through which citizens could request information from government agencies. The IAIP is responsible for verifying that government institutions comply with transparency rules and practices for access to public information. Although the IAIP reported in June that nearly one-third of government agencies were deficient in providing legally required reports and information, the majority met minimum transparency standards. In September the government launched a municipal portal for transparency designed so that each municipality can use it to disclose public information. If a government agency denies a request for public information, a party can submit a claim to the IAIP, which has the authority to grant a resolution, including sanctioning noncompliance with fines. In the first nine months of the year, the IAIP received 14 complaints (down from 51 the previous year); it resolved one of them and as of October was investigating 13.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Government officials met with domestic and international NGOs and convened meetings to obtain their views on different issues. Although attentive to NGO views, officials often not responsive to their recommendations. Some NGOs claimed that statements made by some government officials regarding NGO activities constituted threats, harassment, or disparagement of their work. Citizens may file complaints with the Inter-American Commission on Human Rights.

Government Human Rights Bodies: In January 2014, as part of a complete restructuring of executive branch agencies, the president combined several ministries to create the Ministry of Human Rights, Justice, Governance, and Decentralization. The president also transformed moved the former ministry of indigenous and Afro-Honduran affairs to a directorate within the Ministry of Development and Social Inclusion.

As of September the government had not implemented additional recommendations of the 2010 Truth and Reconciliation Commission, created after the 2009 political crisis. Thirty-two of 84 recommendations continued to be implemented. The recommendations included measures to amend the constitution, increase respect for human rights, and advance measures against corruption.

In 2013 the Council of Ministers approved the government's first Public Policy and National Action Plan for Human Rights, which provides a plan for each government ministry to integrate promotion of and respect for human rights into its planning and budget. The administration that took office in 2014 committed to implement the plan. The government worked with civil society to develop a draft law protecting human rights defenders and journalists, which came into effect in May 2015. As of November the government was developing mechanisms to implement a risk analysis process and protective measures for individuals under threat. Six individuals were already benefiting from the new system. The Ministry of Human Rights, Justice, Governance, and Decentralization had provided human rights training to 9,795 persons as of September, including civilian police, members of the armed forces, health- and emergency-service personnel, and convicts.

The Public Ministry's Office of the Special Prosecutor for Human Rights handled cases involving charges of misconduct by security forces as well as crimes against communities of special concern. The office received 679 complaints during 2014, presented 40 indictments, obtained 24 convictions, and administratively closed 97 cases. CONADEH performed the functions of an ombudsman and investigated complaints of human rights abuses.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on sex, gender, age, sexual orientation, gender identity, political activity or opinion, civil status, status as a member of Afro-descendent or indigenous communities, and physical appearance. Authorities did not effectively enforce these laws. The government proposed a new draft penal code in September. Civil society members expressed concern that it removed sexual orientation and gender identity as classes protected from discrimination, among other problems.

Women

Rape and Domestic Violence: Violence against women and impunity for perpetrators continued to be a serious problem. The National Violence Observatory reported 526 violent deaths of women during 2014, a decrease of 110 cases from 2013. Of these 526 deaths, 290 were considered femicides (intentional murder of women because they are women). The observatory reported 244 violent

deaths of women in the first six months of 2015. As of October the Public Ministry had investigated 198 cases of suspected femicide.

Rape was a serious and pervasive societal problem. The law criminalizes all forms of rape, including spousal rape. With the exception of spousal rape, which is evaluated on an individual basis, rape is considered a public crime; a rapist may be prosecuted even if the victim does not press charges. The penalties for rape range from three to nine years' imprisonment, and the courts enforced these penalties. Rape continued to be underreported due to fear of stigma, retribution, and further violence. As of October the special prosecutor for women received 113 reports of rape and other sexual crimes against women, compared with 282 such reports during the same period in 2014. The special prosecutor for women reported 11 convictions as of November and 72 cases in which the alleged perpetrator was still at large. The National Institute for Women and the Public Ministry reported that, as of November, 830 women had been victims of sexual crimes, including forcible rape, statutory rape, incest, and sexual harassment.

Violence between domestic and intimate partners continued to be widespread and affected all levels of society. The law provides penalties of two to four years in prison. If the physical injury does not reach the severity required for prosecution 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 under the law. Abusers caught in the act are detained for up to 24 hours as a preventive measure. The law provides a maximum sentence of three years' imprisonment for disobeying a restraining order connected with the crime of intrafamilial violence. In many cases victims were reluctant to press charges against abusers. Both government prosecutors and NGOs reported that many female victims of domestic violence were trapped in the situation of violence due to economic dependence on their male partner, their role in caring for children, and the lack of shelters.

The government provided services to victims of domestic violence in hospitals and health centers. The national government provided space for an NGO in Tegucigalpa to run a shelter. Local governments in cooperation with NGOs operated domestic violence shelters in San Pedro Sula, Choluteca, La Ceiba, and Juticalpa and had an office in Comayagua. NGOs operated their own small shelters in Santa Rosa de Copan and Comayagua. The government provided insufficient financial and other resources to enable these facilities to operate effectively.

In cooperation with the UN Development Program, the government operated consolidated reporting centers in Tegucigalpa and San Pedro Sula, where women could report a crime, 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) providing a wide array of services to women focusing on education, personal finances, health, social and political participation, environmental stewardship, and prevention of gender-based violence. The quantity and quality of services provided at these offices varied. The National Institute of Statistics (INE) reported that as of 2012, 21 percent of women had suffered psychological violence perpetrated by their spouse or partner, 10 percent had experienced physical violence, and 3 percent had been victims of sexual violence. Other sources reported higher estimates, with anecdotal information implying much higher rates than those reported by INE. CONADEH reported that in 2014, of the 4,000 complaints received for violations of women's rights, 62 percent were for domestic violence. In March the UN special rapporteur on violence against women expressed concern that the majority of women in the country remained marginalized, discriminated against, and at high risk of being subjected to human rights violations, including violence and sexual and reproductive rights violations.

Since its opening, a new center in Tegucigalpa has provided services to 296 women, including 156 in 2015 as of September. The prosecutor assigned to the center provided services to 60 women during the year. Through August the Office of the Special Prosecutor for Women had provided security measures for 1,369 women. Through September it had provided crisis services to 140 women.

Sexual Harassment: Both the criminal 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. Sexual harassment was a serious societal problem, but it was underreported due to fear of stigma and reprisal.

Reproductive Rights: In general, couples and individuals have the right to decide freely the number, spacing, and timing of children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, violence, or coercion. According to the 2010 national maternal mortality study, the country's maternal mortality rate was 73 deaths per 100,000 live births, although seven departments reported a rate above 90. The World Health Organization and UN Population Fund estimates, however, placed the rate at 129 per 100,000 live births. Modern methods of contraception were used by 64

percent of married women, and 87 percent of the demand for contraception was satisfied.

For much of the population, the Ministry of Health provided prenatal care, skilled attendance during childbirth, essential obstetric and postpartum care, and access to other maternal health services at little or no cost. The Ministry of Health also worked to expand the provision of family planning services in rural areas. The UN Population Fund Global Fund provided assistance in the purchase of contraceptives, and the UN Children's Fund (UNICEF) provided assistance in extending to all regions of the country its basic program for preventing the transmission of HIV from mothers to their children. The latest UN Population Fund figures suggested that the percentage of births attended by skilled personnel increased from 67 percent in 2005 to 83 percent in 2012. The Ministry of Health worked to provide emergency health care, including services for the management of complications arising from abortion, through the national hospital system.

NGOs criticized a 2009 prohibition on emergency anticonception medication, which they regarded as abridging a woman's right to make family planning decisions. Research conducted by an international organization in 2012 indicated that 24 percent of girls ages 15 to 19 were already mothers or pregnant for the first time. In adolescents with only a primary education or less, these rates increased to 42 and 46 percent, respectively.

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 employed women worked in lower-status and lower-paid informal occupations, such as domestic service, without legal protection or regulation. Women were present in small numbers in most professions, but cultural attitudes limited their career opportunities. Women participated in the formal labor force at approximately half the rate of men. By law women have equal access to educational opportunities. The law requires employers to pay women equal wages for equivalent work, but employers often classified women's jobs as less demanding than those of men to justify women's lower salaries (see section 7.d). Job seekers older than age 30, particularly women, faced discrimination based on their age when applying for jobs.

With the government restructuring in 2014, the National Institute for Women became a unit within the Ministry of Social Development. The nationally sponsored National Plan on Equality and Gender Equity continued government efforts to achieve gender equity.

Children

Birth Registration: Birth registration was widely available. UNICEF assisted in extending civil registries to indigenous and remote communities. Children derive citizenship by birth within the country, from their parents or by naturalization.

Education: By law education is free, compulsory, and universal through middle school, corresponding to between 15-17 years of age, although students at the higher levels often had to pay fees. In 2014, according to the INE, the estimated net enrollment rate for the first six grades was almost 92 percent, while the rate from seventh to ninth grade was less than 45 percent and the rate for 10th and 11th grades was only 26 percent. There was a shortage of middle schools and adequately prepared teachers. Boys generally had a slightly higher nonattendance rate than girls, a gap that widened after age 12. By age 15, there were 6 percent fewer boys than girls in school.

Child Abuse: Child abuse remained a serious problem. The Violence Observatory reported 643 cases of mistreatment and abandonment of children between January and September 2013; no new data was available. The law establishes prison sentences of up to three years for persons convicted of child abuse.

The Violence Observatory reported 212 homicides of children between January and June compared with 434 during all of 2014. NGOs stated that reported numbers likely underestimated the number of crimes against children. As of August the children's rights organization Casa Alianza reported 193 homicides and violent deaths of children younger than 18. While the security situation improved in the past two years, police, gangs, and others continued to commit acts of violence against poor youths. Human rights groups continued to allege that individual members of the security forces and civilians used unwarranted lethal force against youths, not only against those suspected of being habitual criminals, or gang members, but also youths not known to be involved in criminal activity. CONADEH expressed concern about the number of violent deaths of children younger than age 14, which totaled 458 between 2010 and 2013.

Because the country's antigang legislation does not have the same penalties for minors involved in gang activity as for adults, gangs increasingly sought underage youth for their operations. Children ages eight to 12 frequently worked as lookouts and collected "war taxes" (extortion payments); consequently, areas around schools were frequently battlegrounds for rival gangs.

Early and Forced Marriage: The minimum legal age for marriage for male and female citizens is 21, although with parental consent boys may marry as young as age 18 and girls as young as age 16. According to government statistics, 10 percent of women marry before age 15, 37 percent before age 18, and 56 percent before age 20.

Sexual Exploitation of Children: The commercial sexual exploitation of children, especially in prostitution, 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' imprisonment and nine to 13 years' imprisonment if the victim is age 13 or older. Penalties for facilitating child prostitution are 10 to 15 years in prison and fines ranging from approximately one million to 2.5 million lempiras (\$45,450 to \$113,600). The law prohibits the use of children under age 18 for exhibitions or performances of a sexual nature and in the production of pornography.

Displaced Children: Many children lived on the streets. Casa Alianza estimated that approximately 8,800 children relied on the streets for food and income in the major cities, with an increase in the number of children ages eight to 10 during the year. As of September Casa Alianza had assisted 8,774 children. Those assisted included street children, children in the process of family reintegration, those provided legal assistance and health care, and returnee children at the country's borders awaiting reintegration. As of September the organization was assisting 461 children through residential programs and an additional 218 children who lived on the streets.

Polling indicated that lack of economic and educational opportunity, fear of violence, and the desire for family reunification motivated children to seek to migrate. Casa Alianza reported that 4,141 youth were deported back to the country from Mexico and the United States through June.

Institutionalized Children: Authorities arrested two managers of the Nueva Esperanza Orphanage in Catacamas, Olancho in August following allegations that the couple was sexually abusing the children in their care. DINAF took control of the orphanage.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For more information see the Department of State's report on compliance

at travel.state.gov/content/childabduction/en/legal/compliance.html, as well as country-specific information at travel.state.gov/content/childabduction/en/country/honduras.html.

Anti-Semitism

The Jewish community, located primarily in San Pedro Sula, numbered approximately 1,000. There were no known reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. Enforcement in the area of employment is the responsibility of the Secretariat of State of Labor and Social Security (STSS), but was not effective due to limited resources and the secretariat's focus on workplace safety and pay problems. The Public Ministry is responsible for prosecuting violations. The law requires access to buildings for persons with disabilities, but few buildings were accessible, and the national government did not effectively implement laws or programs to provide access.

Some students with disabilities attended school (primary, secondary, and higher education). The law includes provisions for inclusive education for students with disabilities. The STSS promulgated regulations to implement the law and created a separate division to manage special education. According to the STSS, the national educational system served 49,981 students with disabilities in 2013. Some parents filed complaints against schools that allegedly refused to register students with disabilities. In 2014 CONADEH estimated 27 percent of economically active individuals with disabilities had no education, while 56 percent had only a primary education.

Patterns of abuse reported in mental health facilities included degrading treatment, arbitrary commitment, inappropriate use of physical restraints, unhygienic conditions, inadequate or dangerous medical care, and sexual or other violence.

The government did not implement its policy on persons with disabilities. The government had a disabilities unit in the Secretariat of State of Development and Social Inclusion. In the postelection government restructuring, the government eliminated its Office of the Special Commissioner for Disabilities of the Secretariat of State of the Presidency.

National /Racial/Ethnic Minorities

According to the 2013 census, which was released during the year, 717,000 respondents, approximately 8.5 percent of the population, identified themselves as members of indigenous communities. Other estimates dating back more than seven years ranged from 8 to 20 percent. These groups, which included the indigenous Miskito, Tawahkas, Pech, Tolupans, Lencas, Maya-Chortis, Nahual, Bay Islanders, and Garifunas, had limited representation in the national government and consequently had little political power over decisions affecting their lands, cultures, traditions, and the allocation of natural resources.

According to government data, a large percentage of indigenous and Afro-Honduran children, particularly Tolupan, Lenca, and Pech children were poor. UNICEF called the situation of indigenous and Afro-Honduran children precarious and reported that indigenous Lenca children younger than age five registered the highest level of malnutrition in the country. NGOs reported that unemployment in Afro-Honduran communities was very high.

The UN Committee on the Elimination of Racial Discrimination expressed concern about persistent societal prejudices. It noted that particularly women of Afro-Honduran and indigenous communities faced multiple forms of discrimination in all aspects of social, political, and economic life.

Indigenous People

Communal ownership was the norm for most indigenous land, providing land use rights for individual members of the ethnic community. Documents dating to the mid-19th century often poorly defined indigenous land titles, although the government continued efforts to recognize indigenous titles. Lack of a clear title allowed encroachment by and expropriation conflicts with, landless nonindigenous agricultural laborers, businesses, and government entities interested in exploiting coastlines, forests, mining resources, and other lands traditionally occupied or utilized by indigenous and other ethnic minority communities. The UN Committee

on the Elimination of Racial Discrimination expressed concern about a lack of systematic prior informed consultation with indigenous and Afro-Honduran peoples on natural resource projects. Indigenous communities criticized the government's alleged complicity in the exploitation of timber and other natural resources on these lands. Indigenous leaders continued to allege that indigenous and nonindigenous groups engaged in drug smuggling and other contraband trafficking and had illegally appropriated vast areas of their communal lands.

The government invited the Inter-American Court of Human Rights to hold its 53rd extraordinary session in Honduras. During their five-day stay in the country, members of the court met with Garifuna communities with active cases before the court. These communities claimed the government violated their property rights by failing to protect the communities' land from exploitation by others. The court did not hold a formal hearing on these cases.

The government continued efforts to address indigenous land rights problems. In 2012 the government began a program to transfer land titles to Miskito inhabitants of Gracias a Dios Department. In March the government transferred land titles to the territorial councils of Bamiasta and Bakinasta and a partial title to the Batiasta territorial council, with the remaining land remaining in the protected Rio Platano biosphere (RHBRP). Bakinasta received title to land in the reserve in June, the first land title granted to a council in the RHBRP, according to a report by Forest Trends and the Confederation of Indigenous Peoples of Honduras. Since 2012 nine territorial councils received titles to their land, and one received a partial title, for a total of more than 3,800 square miles. NGOs supported the indigenous communities in their negotiations with the government and in the establishment of their juridical identity. The Office of the Special Prosecutor for Indigenous Affairs investigated crimes and discrimination against indigenous persons.

Persons from indigenous and Afro-descendant communities continued to experience discrimination in employment, education, housing, and health services. The special prosecutor for indigenous affairs reported five complaints filed for discrimination as of October. Of the two complaints filed in 2014 for discrimination in education, one was dismissed and one was processed by the court. As of the beginning of October, 14 new complaints had been filed for land usurpation. Of the 16 usurpation complaints filed in 2013, seven remained in the investigation stage due to delays by the National Agrarian Institute in providing the necessary technical reports.

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

In 2013 the National Congress passed a law adding sexual orientation and gender identity to classes protected from discrimination and included these same classes in the hate crimes amendment to the penal code. Representatives of NGOs expressed concerns about an apparent rollback of these protections in the new draft penal code. Social discrimination against LGBTI persons was widespread. The special prosecutor for human rights reported nine formal complaints of discrimination against the LGBTI community as of October. Representatives of NGOs focusing on rights to sexual diversity asserted that military police and others harassed and abused their members. As of September NGOs reported 19 LGBTI persons died violent deaths, compared with 13 in all of 2014, and that two of the 19 cases were in some phase of the judicial process. In 2012 the national human rights commissioner reported that 92 percent of crimes committed against LGBTI persons were not investigated. NGOs also documented multiple cases of assault and discrimination against members of the LGBTI community.

LGBTI rights groups asserted that government agencies and private employers engaged in discriminatory hiring practices. LGBTI groups continued working with the Violent Crimes Task Force, the Secretariat of State of Security, and the Office of the Special Prosecutor for Human Rights to address problems of intimidation, fear of reprisal, and police corruption.

As of September the Violent Crimes Task Force made two arrests, obtained seven convictions and experienced one acquittal in cases of homicides of LGBTI individuals. On September 23, a judge found Frady Rolando Santos Amador guilty of the murder of Ivis Rolando Garcia, a transsexual individual killed in 2012. The Violent Crimes Task Force had 77 open homicide cases of LGBTI persons dating to 2009.

HIV and AIDS Social Stigma

In 2014 the United Nations and civil society supported a study in which four of every 10 persons with HIV/AIDS stated they had suffered some form of discrimination. Access to employment, educational opportunities, and health services continued to be major challenges for persons with HIV/AIDS. Sixty-one percent of those interviewed were unemployed.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions of their choice, bargain collectively, and strike, and it prohibits employer retribution against employees for engaging in trade union activity. The law places a number of restrictions on these rights, such as requiring 30 or more workers in order to constitute a trade union, prohibiting foreign nationals from holding union offices, and requiring that union officials be employed in the economic activity of the business the union represents. The law prohibits members of the armed forces and police, as well as certain other public service employees, from forming labor unions.

The law requires an employer to begin collective bargaining once workers establish a union and specifies that if more than one union exists, the employer must negotiate with the largest union at a company.

The law prohibits labor federations and confederations from calling strikes and requires that a two-thirds majority of the total workforce approve a strike. The law prohibits workers from legally striking until after they have attempted and failed to come to an agreement with their employer, and it requires workers and employers to undergo a mediation and conciliation process. Additionally the law prohibits strikes in a wide range of economic activities that the government deems essential services, as well as any others that, in the government's opinion, affect individuals' rights to security, health, education, and economic or social life.

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, but they must 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 prior to striking. The International Labor Organization (ILO) considered the restrictions on strikes in such a broad range of sectors excessive. The law permits striking by workers in export processing zones and separate free zones for companies that provide services for industrial parks, but it requires that strikes not impede the operations of other factories in the industrial parks.

The STSS has the power to declare work stoppages illegal, and employers may apply disciplinary sanctions or other actions in accordance with their internal

regulations, including dismissing protesting workers, if the STSS finds a strike to be illegal. The ILO expressed concerns about the government's authority to end disputes in several sectors, including oil production and transport, because such provisions are vulnerable to abuse.

The STSS can fine, as an administrative matter, companies it determines to be violations of the right to freedom of association. The law permits fines of between 200 and 10,000 lempiras (\$9 to \$450) for a violation. In the case of unlawful dismissals of founding union members and union leaders, the law provides that employers also pay to the workers' union a fine equivalent to six months of the dismissed leaders' salaries. Civil society, international organizations, and the STSS noted that the modest amounts permitted derogate from fines lacked credibility in the eyes of companies and municipalities due to their modest amount. Moreover, STSS rarely imposed or collected fines for violations. Inspectors must clear their fines through the Central Office of the Inspector General, a requirement that could add a year or more to the period between an inspection and the issuance of a fine. Both the STSS and courts may order reinstatement of workers, but the STSS lacks mechanisms to enforce these orders. The reinstatement process in the courts was unduly long, lasting from six months to more than five years.

Workers exercised the rights to form and join unions and to engage in collective bargaining with difficulty, and the government failed to enforce applicable laws effectively. Public-sector trade unionists raised concerns about government interference in trade union activities, including the government's freezing of collective agreements and dismissals of union members and leadership.

Due to past allegations that the registry office informed companies which workers were attempting to unionize (making it easier for companies to dismiss these workers before they gained legal protection from firing), some unions delayed providing lists of unionizing workers until after the union formally notified the employer of union formation. Although there is no legal requirement that they do so, STSS inspectors generally accompanied workers when the workers notified their employer of their intent to form a union. In some cases STSS inspectors, rather than the workers, directly notified the employer of the workers' intention to organize. Workers reported that they viewed the STSS presence and involvement as reducing the risk that employers would claim they were not notified and did not know of the union and then dismiss the union's founders.

Civil servants frequently engaged in illegal work stoppages without experiencing reprisals. Public-sector workers held strikes without interference by authorities.

Medical professionals and others continued to hold strikes throughout the year to protest arrears in back pay.

Some employers either refused to engage in collective bargaining with unions with impunity or made it very difficult to engage in bargaining. Some companies also delayed or failed to appoint representatives for required STSS-led mediation, a practice that lengthened and impeded the mediation process and the right to strike. There were allegations that companies used collective pacts, which allow collective contracts without the presence of a union, to avoid the formation of a union. Unions also raised concerns about the use of temporary contracts as well as part-time employment, suggesting that employers used these mechanisms to attempt to avoid union formation or having to provide full benefits.

Antiunion discrimination continued to be a serious problem. The three major union federations and several civil society groups noted that in cases where authorities imposed fines for violations, many companies paid the fine and continued to violate the law. Some failed to remedy the violations despite multiple visits by STSS inspectors. Employers commonly threatened to close unionized factories and harassed or dismissed workers seeking to unionize. They also dismissed leaders with impunity to prevent the union from functioning. For example, the STSS fined the Finca Tropical company in Yoro Department 20,000 lempiras (\$910) for dismissing members of union leadership in violation of laws allowing free association.

Employers further complicated matters by often barring STSS inspectors from entering to serve union protection documents. STSS inspectors rarely called on the police to gain entry into a factory to serve union protection documents. Employers often failed, with impunity, to comply with STSS orders requiring them to reinstate workers fired for engaging in union activity. As of September a civil society organization had documented nine cases of threats or violence against union leaders. The threats appeared to be from parties involved in labor disputes. In September union leader Tomas Membreno received anonymous death threats on his Facebook page.

There was credible evidence that some employers in the manufacturing industry continued with impunity to blacklist employees seeking to form unions. Some companies in other sectors, including bananas, established employer controlled unions, thereby preventing the formation of independent unions because of restrictions on the number of unions and collective bargaining agreements per company.

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

b. Prohibition of Forced or Compulsory Labor

Although the law prohibits all forms of forced labor, the government did not effectively implement or enforce the law. Administrative penalties under the labor law for violations of up to 5,000 lempiras (\$227) were insufficient to deter violations and often were not enforced. Penalties for forced labor under antitrafficking laws range from 10 to 15 years' imprisonment, but authorities often did not enforce them.

Forced labor occurred in agriculture, street vending, domestic service, the transit of drugs and other illicit items, and other criminal activity. Victims were primarily impoverished men, women, and children in both rural and urban areas (also see section 7.c.). In September the National Congress approved a prison labor law requiring prisoners to work at least five hours a day, six days a week. Money earned by the prisoners was to be divided as follows: 20 percent to help cover costs of confinement; 20 percent for a savings fund that will be provided on completion of the prison sentence; 40 percent for dependents of the convict; and 20 percent to pay off civil damages awarded for crimes. If no damages were awarded, this 20 percent would be used to help defray costs of confinement. More than 30 million lempiras (\$1.364 million) were budgeted for this expense in 2016.

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 necessity 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 101 permanent authorizations and 111 temporary authorizations as of September. If the STSS grants permission, children between ages 14 and 16 may work a maximum of four hours per day, and those between ages 16 and 18 may

work up to six hours per day. The law prohibits night work and overtime for minors under the age of 18, but the STSS can grant special permission for minors between ages 16 and 18 to work in the evening if it does not affect their schooling.

The law requires that employers with more than 20 school-age children working at their business facility provide a location for a school.

The government did not devote adequate resources or inspectors to monitor compliance with child labor laws or to prevent or pursue violations. Fines for child labor are higher than for other labor code violations, between 5,000 lempiras (\$227) up to 25,000 lempiras (\$1,135) for the first violation and up to 50,000 lempiras (\$2,270) for repeated violations. The law also provides for three to five years in prison if the child labor violation has endangered the life of a child or has attempted to abuse the child's moral safety. The STSS did not effectively enforce child labor laws except in the apparel assembly sector, and there were frequent violations.

In 2013 the National Human Rights Commission stated that approximately 412,000 children ages five to 17 worked. Also during 2013 the National Statistical Institute reported that 372,578 children were working. In 2014 World Vision conducted a study that showed 15percent of children between ages five to 17 were in the labor force. The vast majority of children who worked did so without STSS permits. Children often worked on coffee, okra, and sugarcane plantations; 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 loads; and labored in limestone and lime production. Most child labor occurred in rural areas. Children often worked alongside family members in agriculture and other sectors, such as fishing, construction, transportation, and small businesses. Commercial sexual exploitation of children occurred as a worst form of child labor (see section 6).

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 on the basis of sex, gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or origin, language, nationality, religion, family affiliation, family or economic situation, disability, health, physical appearance, or anything else that is against the

human dignity of the victim. Penalties include a sentence of three to five years and monetary fines. The law prohibits employers from requiring pregnancy tests as a prerequisite to employment; violators are subject to a fine of 5,000 lempiras (\$227). The government did not effectively enforce these laws and regulations.

Employers discriminated against women. According to a 2013 study by the National Institute for Women, employers paid women 16 percent less on average than men for comparable work. Female workers in the textile export industries continued to report that they were required to take pregnancy tests as a condition for 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).

e. Acceptable Conditions of Work

There are 42 categories of monthly minimum wages, based on industry and number of employees; the minimums ranged from 5,385.52 lempiras (\$245) to 8,882.3 lempiras (\$404). The law does not include domestic workers.

The law applies equally to national and foreign workers, 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 the amount of overtime that a worker may work to four hours a day for a maximum of 12 hours of work a day, and prohibits the practice of requiring workers to complete quotas before leaving. The law does not protect domestic workers effectively.

In September 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, was suspended pending the resolution of several court cases and the further clarification of how the process would work.

Occupational safety and health standards were current but not enforced. By law workers may remove themselves from situations that endangered health or safety without jeopardy to their employment.

The STSS is responsible for enforcing national minimum wage, hours of work and occupational health and safety laws, but it did so neither consistently nor

effectively. The law permits fines of up to 1,000 lempiras (\$45.50) for failure to pay the minimum wage, 500 lempiras (\$22.70) for occupational safety and health violations, and 5,000 lempiras (\$227) for other labor code violations. While the government did not allocate adequate resources for labor inspectors to perform their duties, the number of inspections increased, from 14,897 inspections between January and August 2014 to 17,361 inspections in the same period. There were 135 labor inspectors. The STSS trained inspectors on labor laws and the new social security law.

Because labor inspectors continued to be concentrated in Tegucigalpa and San Pedro Sula, complete labor inspections as well as follow-up visits to confirm compliance with findings were far less frequent in other parts of the country. Many inspectors asked workers to provide transportation to conduct an inspection, since the STSS did not have sufficient resources to pay for travel to worksites, further impeding their ability to enforce labor laws effectively. Credible allegations of corruption among labor inspectors continued. Inspectors repeatedly failed to respond to inspection requests alleging labor law violations, impose, or collect fines when they found labor law violations, or ensure enforcement of remediation orders.

Authorities did not effectively enforce worker safety standards, particularly in the construction, garment assembly, and agriculture sectors. The STSS conducted 577 re-inspections, including 44 in rural areas, to follow up on previously identified labor and occupational safety and health violations. 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 established days of rest and holidays.

There were reports of violations of the limits on overtime, with agricultural workers working seven days a week for many months, and reports of port workers working up to 30 consecutive hours. There were credible allegations of compulsory overtime at apparel assembly factories (particularly for women, who made up approximately 65 percent of that sector's workforce), in the private security sector, and among household workers. Employers frequently denied workers mandatory benefits, including vacation pay and 13th- and 14th-month bonuses. As of September 30, the STSS had recovered 241 million lempiras (\$10.95 million) in unpaid benefits for 21,671 employees. STSS levied 83 fines against companies for failing to pay these benefits. There were reports both public- and private-sector employers failed to pay into the social security institute funds.

Human rights organizations continued to report that in the private security and household sectors, workers were typically obliged to work more than 60 hours a week but paid for only 44 hours. Domestic workers often lacked contracts and received salaries below a living wage. Since many lived in on-site housing, their work hours varied widely based on the will of individual employers. Private security guards also often worked for salaries below the minimum wage. Many guards worked every other day on 24-hour shifts in violation of the law. Civil society organizations also reported that employers often obliged workers in cleaning services and the fast food industry to work shifts of 12 or more hours. The STSS received regular complaints of failure to pay agreed overtime in the security and cleaning services sectors. The STSS conducted 622 inspections of cleaning-service, security, and fast-food companies and imposed fines in seven inspections for failure to pay overtime. The STSS imposed 96 fines on companies for failing to pay overtime.

A 2009 report from the ILO, the most recent data available, estimated that 58 percent of workers were in the informal economy.

There continued to be reports of violations of occupational health and safety laws, including lack of access to appropriate safety equipment, and other labor rights violations relating to the approximately 3,500 divers for seafood products such as lobster, conch, and sea cucumber, most from the Miskito indigenous and other ethnic minority groups in Gracias a Dios Department. In 2014 the UN Committee on the Elimination of Racial Discrimination also raised concerns about the divers, including calling their working conditions “deplorable.” Civil society groups reported that most dive boats held more than twice the boat’s capacity for divers and that many boat captains sold marijuana and crack cocaine to divers on their ship to help the divers complete an average of 12 dives per day at depths of more than 100 feet. Compressed-air diving for sea cucumber was banned in June 2014 due to the number of deaths in the dive fisheries. Unlike the previous season, there were no reports of injuries resulting in permanent paralysis during the year.