

HONDURAS 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Honduras is a constitutional, multi-party republic. In November 2013 Juan Orlando Hernandez of the National Party won the presidential election for a four-year term that began in January. International observers generally recognized the election as transparent, credible, and reflecting the will of the electorate. Civilian authorities failed at times to maintain effective control over the security forces.

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

Pervasive societal violence persisted. 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 and human and worker rights defenders. There also continued to be reports of violence in rural areas, including the Bajo Aguan region, related to land rights disputes involving indigenous people, agricultural workers, landowners, private security guards, and security forces. Infrastructure development projects also were a source of disputes that led to violence.

Other human rights problems included violence against detainees; lengthy pretrial detentions and failure to provide due process of law; threats against journalists; violence against and harassment of women; child abuse; trafficking in persons, to include child prostitution, and 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, and transgender (LGBT) persons; ineffective enforcement of labor laws; and child labor.

The government took some steps to prosecute and punish officials who committed abuses, but corruption, intimidation, and the poor functioning of the justice system were serious impediments to the protection of human rights. There continued to be instances in which authorities did not adequately investigate or sufficiently punish military or police officials suspected of human rights violations.

Section 1. Respect for the Integrity of the Person, Including Freedom from:**a. Arbitrary or Unlawful Deprivation of Life**

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

In July a judge remanded three police officers to prison pending trial for the killing of university students Yuri Fabiola Hernandez and Jessy Marlene Garcia. The Office of the Special Prosecutor for Crimes Against Life charged Freddy Gerardo Mendoza Arriaza, Gregorio Alexander Anariba Meraz, and Marvin Joel Gallegos Suarez of the national police's Special Investigative Services Directorate with homicide, cover-up, and dereliction of duty.

On August 28, police arrested eight special forces soldiers for their suspected involvement in the killing of Marco Tulio Medrano Lemus, whose body was found in a river on August 26. A judge remanded the soldiers--Said Edgardo Maradiaga Andino, Roger Arnulfo Calix Matute, Jorge Rene Lobo Andrade, Breinny Flores, Elmison Anae Osorio Flores, Milton Sabier Urbina Almendares, Cesar Josue Agurcia Espinoza, and Cesar Anuris Mendez Madrid--to prison pending trial. Witnesses reported soldiers detained Medrano the night before his body was discovered.

In September the Public Ministry charged two members of armed forces intelligence with killing Ramon Eduardo Diaz Rodriguez and Zenia Maritza Diaz Rodriguez. Witnesses told police men wearing ski masks and bulletproof vests abducted the two the night before their bodies were discovered. The two soldiers, Elmer Eliazar Mejia Aguilar and Jose Luis Melgar Deras, were remanded to the custody of the First Infantry Battalion pending further hearings.

Impunity in human rights cases continued to be a serious problem.

In September a trial began against the higher-level officers implicated in the cover-up of the 2012 killing of 15-year-old Ebed Jassiel Yanes Caceres at a military checkpoint. The judge ruled that proceedings would continue against Colonel Jesus Alberto Marmol Yanez, Lieutenant Colonel Juan Ruben Giron Reyes, and Jose Emiliano Novoa Funez. In October authorities appealed the dismissal of charges against Colonel Raynel Enrique Funez Ponce but dismissed the charges against armed forces legal advisors Juan Jose Flores Alvares and Colonel Mariano Mendoza Maradiaga.

Violence related to land conflicts and criminal interests in the Bajo Aguan region continued. The government reported no deaths related to the land conflict perpetrated by security forces or private security guards during the year, as compared with an estimated 40 in 2012 and 16 in 2013. The regional Office of the Special Prosecutor for Human Rights in La Ceiba was investigating six allegations of human rights abuse in the Aguan region. The military reported that up to 400 members of security forces were under investigation for alleged excessive use of force perpetrated during one eviction and dislodgement of a road blockade. Human rights organizations in the region reported receiving citizen complaints of torture, abuse, and maltreatment by security forces but stated that victims often did not file formal complaints due to fear of repercussions. Investigators pointed to a lack of resources and obstruction by field workers and some nongovernmental organizations (NGOs) as causes for the lack of progress in investigations. The police and Public Ministry launched a new task force to investigate homicides related to the land conflict. As of September the task force was managing investigations in 70 cases and had made three arrests. 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 multiple sources, the overall homicide rate dropped from 75 per 100,000 in 2013 to 65 as of November. The Violence Observatory of the National Autonomous University reported that the homicide rate dropped from 79 per 100,000 in 2013 to 71.4 as of November. The Violence Observatory also reported 64 cases in which three or more persons were killed at one time between January and August, compared with 38 such cases in all of 2013. Reports linked most of these cases to organized criminal elements and gangs.

b. Disappearance

There were no reports of politically motivated disappearances.

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 street and in detention centers. The national human rights commissioner reported receiving 27 complaints of torture committed by members of security forces. The special

prosecutor for human rights reported receiving 16 complaints of torture by members of security forces.

In May the director of children's rights organization Casa Alianza, Jose Guadalupe Ruelas, reported police beat him after a traffic accident with a police vehicle. As of September the Office of the Special Prosecutor for Human Rights was investigating.

In October, three soldiers were arrested and their unit commander temporarily suspended pending an investigation of alleged torture of artisanal miners. In November a judge sentenced Sergeant Ananias Misael Almendares Silva to two years' detention, and provisionally dismissed charges against Lieutenant Wilfredo Corrales Sanchez and Jonathan Ariel Estrada Borjas. The government charged all three defendants with torture, abuse of authority, and dereliction of duty. The alleged victims did not attend the hearing. The Public Ministry appealed the dismissals.

Prison and Detention Center Conditions

Prison conditions did not meet international standards and were harsh and life threatening due to overcrowding, insufficient access to food and water, violence, abuses by prison officials, and the influence of organized crime in prisons.

Physical Conditions: Overcrowding was a significant risk to prisoner welfare. The country had 24 prisons, 23 of them for men, and three preventive detention centers. As of September the total prison population was 14,531 in a system with a designed capacity of 8,130. There were 627 women in prison. As of September there were 41 deaths in prisons – 23 due to violence and 18 due to natural causes. The government began using parts of one military installation and one police installation as detention centers. The national human rights commissioner inspected the conditions at these installations and recommended they not become permanent prisons.

Authorities generally held female prisoners in a separate facility under conditions similar to those of male prisoners but held some in separate areas of men's prisons. Children up to the age of three could stay with their mothers in prison.

Due to charges of widespread corruption and incompetence, the government replaced the Institute of the Child and Family with the Directorate of Childhood and Family (DINAF), under the Ministry of Social Development. As of September

DINAF was considering transferring management of four juvenile detention centers to NGOs or third parties supervised by DINAF. In July the national security and defense council approved the allocation of 49.35 million lempiras (\$2.47 million) for improvement of juvenile detention centers. At the request of DINAF, the UN Children's Fund (UNICEF) collected statistics on the number of minors in juvenile detention centers, which dropped to 328 as of September, from 356 in 2013. Authorities presumed the drop was due to previously inflated statistics. Judges tended to place minors in the centers due to lack of alternative measures outside the juvenile detention system.

Authorities often held pretrial detainees together with convicted prisoners.

Prisoners suffered from severe overcrowding, malnutrition, lack of adequate sanitation and medical care, and, in some prisons, lack of adequate ventilation and lighting. Due to budget cuts, authorities provided prisons 11 lempiras (55 cents) per prisoner per day for food. In April some national congress members protested that some local prisons had been relying on charities to feed prisoners due to lack of government funding. As of August the budget increased from nine to 39 lempiras (\$0.45 to \$1.95) per day per prisoner. 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. The media reported multiple prison riots and violent confrontations between gang members throughout the year, including a May confrontation between rival gangs in which five minors were killed, and an August killing of four indigenous men in pretrial detention by a convicted murderer reportedly on the orders of organized crime leaders.

The ready access of prisoners to weapons and other contraband, impunity for inmates who attacked other inmates, inmate escapes, and threats by inmates and their associates outside prison against prison officials and their families contributed to an unstable and dangerous environment in the penitentiary system. 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 July seven prisoners escaped from the national penitentiary at Tamara, which prompted the government to change directors of the national penitentiary institute. In August police and military conducted a raid at Tamara and confiscated televisions, appliances, construction materials, drugs, arms, and pets. Police and military officers conducted similar raids at other prisons. The government appointed new wardens at each of the country's 24 prisons. In September the government began training 300 reserve soldiers for prison security duties. The national interinstitutional security force provided security at the country's largest prisons.

There were credible reports from human rights organizations that prison officials used excessive force against prisoners, including beatings, in addition to isolation and threats. The national human rights commissioner reported 115 complaints of torture and maltreatment 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.

Authorities held prisoners with mental disabilities with the general prison population. They also held persons with mental illnesses, as well as those with tuberculosis and other infectious diseases, with the general prison population. Authorities at the National Penitentiary in Tamara reported their facility was the only prison with an antiretroviral treatment program, but 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 directive 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 assisted in seeking alternatives to incarceration for nonviolent offenders to alleviate overcrowding; addressing the status and circumstances of confinement of juvenile offenders; and improving pretrial detention, bail, and recordkeeping procedures to ensure that prisoners did not serve beyond the maximum sentence for the charged offense. The legal department of every prison also handled recordkeeping, but recordkeeping procedures were inadequate and resulted in some prisoners serving time in prison longer than their sentences.

Prisoners could transmit concerns directly to the director of the prison in which they were incarcerated, who 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, Public Ministry Office of the Special Prosecutor for Human Rights, and 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.

Authorities generally permitted inmates to have access to visitors, including in some cases women in prostitution, and religious services of their choice. They also permitted inmates to submit complaints to judicial authorities without censorship and to request investigation of inhuman conditions. The director of prisons held meetings with human rights organizations.

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 government continued a major prison reform program begun in 2010 involving the construction of new facilities to reduce overcrowding, separating the most dangerous prisoners from nonviolent offenders, and promoting rehabilitation. To reduce overcrowding the government constructed a “model” penitentiary for 500 prisoners in the northwest region and in May began building a new prison for 2,000 prisoners in the central region. The government also allocated 25.2 million lempiras (\$1.26 million) to the remodeling of existing prisons and revised regulations governing the penitentiary system. The ICRC continued programs to improve water and electrical systems at some prisons.

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. The national human rights commissioner reported eight cases of arbitrary arrest and detention as of September. The special prosecutor for human rights reported that it presented eight indictments for illegal detention during the same period.

Role of the Police and Security Apparatus

The secretariat of state of security oversees most police operations, including those of the National Police, National Preventive Police, Criminal Investigation Division, Transit Police, Border Police, and Tourist Police. The National Police maintain internal security. The armed forces are responsible for external security but also exercise domestic security responsibilities. In 2013 the government created a new military police unit, the military police of the public order, which reported to military authorities but conducted operations approved by civilian security and defense officials. As of September approximately 1,900 personnel comprised the military police. The training program for the new military police included recurring human rights training. The government created a new interagency task force to coordinate activities of the police, military police, Public Ministry, Supreme Court, and National Intelligence Directorate.

Members of 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, directs investigations of 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. In September 2013 the Public Ministry created a new unit within the Office of the Special Prosecutor for Crimes against Life to manage cases of homicides committed by security forces and government officials. As of September the unit was managing 25 cases from the years 2010 onward, although none of these had reached the conviction stage.

Corruption and impunity continued to be serious problems within the security forces. Some members of the police participated in crimes with local and international criminal organizations. The Office of the Inspector General of the National Police and the Directorate General for the Investigation and Evaluation of the Police Career (DIECP) were responsible for police oversight. By the end of 2013, there were 703 administrative and criminal complaints against members of police forces related to allegations of conduct not befitting a police officer, abuse of authority, police brutality, robbery, and homicide. The DIECP concluded investigations in 144 cases and administratively processed 232 cases as of August 28. Of 86 cases the DIECP submitted to the Public Ministry between May 2013 and May 2014, the Office of the Special Prosecutor for Human Rights brought five indictments, obtained one remand to prison, and administratively closed 30 cases when it determined the case did not involve a human rights violation.

The secretary of state of security took some steps to reform security forces. The DIECP chief reported that as of September approximately 6,500 police (in a force

of approximately 12,500) had been vetted, meaning they received a criminal background check, financial investigation, and toxicology and polygraph tests. The government reported that at least 250 of the 900 police officers that left the force between May 2013 and April 2014 were removed for cause, including polygraph failures, toxicology tests, and serious misconduct. The government reported that courts convicted 25 of the removed police of their crimes. The secretariat also implemented digital files for all police and global positioning systems for tracking movements through vehicles and telephones, and it conducted audits through the Office of the Inspector General. Some NGOs continued to criticize these steps as insufficient to reform the institution.

Former national police director general Ramon Sabillon expanded the Office of Human Rights from two persons in 2012 to 42, including lawyers, gender experts, and liaisons for every metropolitan and departmental district. The office launched a human rights seminar series to train officers across the country, and as of September the office had provided human rights training to more than 4,300 officers. The police technological institute provided 180 hours of human rights training per student per year, the national police academy provided 60 hours per student per year, and the national police university provided 45 hours per student per year.

The human rights office of the joint staff of the armed forces investigated allegations of human rights abuses by members of the armed forces. The office provided training for 3,768 soldiers between May 2013 and May 2014. The national human rights commissioner and NGOs provided human rights training to 490 soldiers assigned to the Xatruch special task force in the Bajo Aguan.

At the end of 2013, the UN working group on the use of mercenaries expressed concern about limited government oversight regarding the activities of private security companies, which employed almost 15,000 registered guards and an estimated 45,000 unregistered guards.

Arrest Procedures and Treatment of Detainees

The law provides that police can 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, or 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 the detainee before a competent authority within 24 hours. It stipulates 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 that may last 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.

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 sentenced. The law mandates the release of a detainee whose case has not come to trial and whose time in detention has exceeded the maximum prison sentence for the crime of which he is accused. As a result 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 sometimes 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 September the council had reviewed 150 of the country's 700 judges. The system resulted in the dismissal of 48 judicial sector officials, including 29 judges, the temporary suspension of over 67 other judicial sector officials (of which 45 were reinstated), and the arrest and incarceration of two

judges for taking money to order the release of narcotics traffickers. Some judges and NGOs alleged that the evaluation system did not afford judges due process guarantees 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, lack of witness protection, widespread public distrust of the legal system, and judicial corruption.

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. A litigant can bring civil charges when the criminal court determines that he may seek damages.

Regional Human Rights Court Decisions

Citizens may file complaints with the Inter-American Commission on Human Rights. The Inter-American Court of Human Rights issued a decision in the Luna Lopez case in October 2013, in which it found that the state failed to fulfill its obligation to safeguard the right to life of environmental activist Carlos Luna Lopez, who was killed in 1998. The court found that the government was aware of potential danger to Luna's life related to his environmental work, failed to conduct

an exhaustive investigation into a reported death threat against him, and failed to adopt effective measures to protect his life. The government reported that it was taking steps to comply with the court's judgment, including by an official acknowledgment of its responsibility.

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 an emergency or to prevent the commission of a crime. There were credible complaints police occasionally failed to obtain the required authorization before entering a private home.

Ethnic minority rights leaders and farmworker organizations continued to complain that the government failed to redress actions by private and public security forces, which had 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, 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.

In 2013 the National Congress amended the penal code to sanction anyone who publicly or through the media incites discrimination, hate, repression, or violence against a person or group for reasons of their sex, gender, age, sexual orientation, gender identity, political opinion, marital status, race or origin, nationality, religion, language, disability, family or economic situation, or physical appearance or health.

NGOs reported cases implicating local mayors in closing local radio programs. In August the courts sentenced a colonel in the armed forces to between three and six years in prison for his role in shutting down a television station following the 2009 coup d'état.

Violence and Harassment: Reports of harassment of journalists and social communicators (persons not employed as journalists, but who serve as bloggers or conduct public outreach for NGOs) continued to rise.

The national human rights commissioner reported that eight journalists and social communicators were killed as of September, compared with three in 2013. There also were multiple reports of intimidation of members of the media and their families. The national human rights commissioner noted more than 50 cases in which journalists reported being victims of threats and persecution between 2010 and 2013, and 20 cases in 2014. 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 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 human rights office of the national police provided protective measures to journalists, social communicators, and other members of civil society who received threats. Some NGOs criticized the measures as ineffective in some cases.

The human rights office of the national police continued to implement protective measures for journalists, human rights defenders, fieldworker representatives, and members of the LGBT community who had received threats.

During the year the efforts of the Violent Crimes Task Force led to two trials, resulting in one conviction and one acquittal in homicides of journalists and social communicators. Since its creation the task force had investigated the homicides of 29 journalists and determined motives in 15 of those cases. In only two of those cases did the investigation suggest that the homicide may have been related to the journalist's reporting, and in no case did the investigations implicate government agents.

In August police arrested a suspect for the July homicide of journalist Nery Soto as he returned home from his work as an anchor for a television station in Yoro. Police discounted robbery as a motive. Evidence indicated the suspect was involved in organized crime.

In March a judge found Gabriel Castellanos Perez guilty for the 2013 kidnapping and homicide of journalist Anibal Barrow. As of September, three other defendants were in prison pending trial. Evidence indicated the killing was not related to freedom of expression.

In March a court found three men guilty and subsequently sentenced them to life in prison for the 2012 kidnapping and homicide of journalist Alfredo Villatoro.

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

Internet Freedom

There were no government restrictions on access to the internet, but there were credible reports that the government monitored private online communications. According to estimates compiled by the International Telecommunication Union, in 2012 approximately 13 percent of households had internet access and 18 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. There were, however, complaints from NGOs and some political parties that police used excessive force in containing demonstrations that turned violent. As of August the Office of the Special Prosecutor for Human Rights was investigating claims that police used excessive force in dislodging protesters from inside the National Congress building in May.

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 and prescribes prison terms of two to four years and a fine of 30,000 to 60,000 lempiras (\$1,500 to \$3,000) for anyone who convokes or directs an illicit meeting or demonstration, defined as those attended by persons bearing arms, explosive devices, or dangerous objects with the purpose of committing a crime.

Authorities temporarily detained protesters wielding rocks, machetes, and other dangerous materials but did not press charges.

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.

Internally Displaced Persons (IDPs)

The Office of the UN High Commissioner for Refugees (UNHCR) expressed concern regarding increasing levels of forced displacement due to high levels of violence, national and transnational gang activity, and human trafficking and smuggling. A number of factors including violence, lack of economic opportunity, and family reasons displaced a large number of persons internally, according to the UNHCR. In 2013 the government created an interinstitutional commission to address the problem of persons displaced by violence. The UNHCR reported that it was collaborating extensively with the commission, which aims both to monitor displacement and to 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.

Protection of Refugees

The government cooperated with the 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.

There were 10 applications for refugee status during the year: six from Nicaragua, two from El Salvador, one from Iran, and one from Eritrea. The government authorized refugee status for eight Nicaraguans. Twenty-eight recognized refugees lived in the country: six from Haiti, two from Cuba, four from Colombia, three from Iran, one from Venezuela, nine from Nicaragua, and three from El Salvador.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the ability to change their government, which they exercised through periodic and generally free and fair elections based on nearly universal suffrage. 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 issued by the National Party near voting stations offering retail discounts, 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 that 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 the political parties.

Participation of Women and Minorities: The law requires that a minimum of 40 percent of candidates from each party for national election be women. Women held 33 of 128 seats in the National Congress, and 38 women were alternate members. Two women sat on the 15-member executive board of congress, and nine presided over congressional committees. Two of the three presidential designates in the government, with status equivalent to that of a vice president, were women. For most of the year, there were two female cabinet members out of 15: the secretaries of state for foreign affairs and for health. The secretary of state for foreign affairs resigned in November.

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 effectively implement the law. 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.

Corruption: Authorities brought charges against the entire board of directors of the Social Security Institute, the primary public health-care system, for alleged involvement in financial misfeasance and corruption. The case drew extensive public attention due to both the high profile of the board members (including former government, cabinet, business and labor leaders) and the massive scale of the financial problems (institutional debt in excess of 6.72 billion lempiras (\$336 million). As of September the former director of the institution, the former vice minister of labor, and the former vice minister of health were detained pending trial for their suspected involvement. As of November authorities seized six million dollars' worth of assets purchased with funds illegally diverted from the institution.

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. Transparency International expressed particular concern regarding corruption in the judiciary and security forces. In October the government formalized an agreement with Transparency International aimed at promoting and encouraging transparency and accountability and strengthening public financial management, with the goal of reducing opportunities for corruption. In December the government held a public forum with civil society representatives to discuss the early advances made to implement the agreement with Transparency International.

The Public Ministry, police investigative services, and the public accounting authority (TSC) are the government agencies responsible for combating corruption. There is an anticorruption working group composed of the TSC, the Office of the Solicitor General, the Public Ministry, the Supreme Court, the Institute for Access to Public Information (IAIP), the Office of the National Commissioner for Human

Rights, and the Anticorruption Council. The government agencies responsible for combating corruption made some efforts to collaborate with civil society groups. The National Anticorruption Council, a coalition of civil society organizations, played a significant role in assembling evidence for anticorruption prosecutions.

The Corruption Prosecutor's Office in the Public Ministry continued to make progress in reducing the backlog of cases in which public officials were implicated in acts of corruption and abuse of power. Between May 2013 and May 2014, the office presented 66 indictments, obtained 61 orders remanding defendants to prison, achieved 26 convictions and 14 not guilty verdicts, and administratively closed 239 cases. The Public Ministry stated that it continued to face challenges such as a lack of prosecutorial and judicial education and professional development, unclear roles and responsibilities of government institutions, an unclear penal code, and lack of resources.

Financial Disclosure: Public officials are subject to financial disclosure laws; compliance with the laws was mixed. Disclosure laws pertain only to public officials and do not include the assets and income of spouses or dependent children. The law mandates the 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.

Public Access to Information: The law provides for public access to government information for citizens, and the government generally implemented it effectively. In a lame-duck session, 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 for citizens to request information from government agencies. The IAIP is responsible for verifying that government institutions comply with government transparency rules and practices for permitting access to public information. Although the IAIP reported that nearly a third of government agencies were deficient in providing legally required reports and information, the majority met minimum transparency standards. Of the 100 public entities rated by the IAIP for level of transparency, 59 were rated excellent, 12 rated good, 21 rated deficient, and eight rated bad. The

IAIP reported that congress was among the lowest rated. 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 51 complaints, of which it resolved 20 and was in the process of investigating 31.

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 generally cooperated with domestic and international NGOs and were responsive to their views. Some NGOs claimed that statements made by some government officials to the press regarding NGO activities constituted threats, harassment, or disparagement of their work.

Government Human Rights Bodies: In January, 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 moved the former ministry of indigenous and Afro-Honduran affairs to a directorate within the Ministry of Development and Social Inclusion. Some NGOs criticized these steps as a downgrade of the importance of these issues. The government maintained that the change stemmed from an effort to rationalize an oversized bureaucracy and did not reduce the priority it gave to these issues.

The government announced that as of September the country had implemented 37 of the 84 recommendations of the 2010 Truth and Reconciliation Commission, which was created as a result of the 2009 political crisis. Another 32 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 roadmap for each government ministry to integrate promotion of and respect for human rights into its planning and budget. The administration that took office during the year committed to implement the plan. The government worked with civil society to develop a draft law protecting human rights defenders and journalists. The Ministry of Human Rights, Justice, Governance, and Decentralization provided human rights training to 9,000 persons between May 2013 and May 2014,

including military police, civilian police, armed forces, and health-service personnel.

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. As of May the office had received 367 new complaints, presented 12 indictments, brought seven cases to trial, obtained six convictions, and administratively closed 432 cases. The national commissioner for human rights performed the functions of an ombudsman and investigated complaints of human rights abuses. The National Congress elected a new national human rights commissioner in March. While NGOs initially praised the selection process for its transparency, some organizations criticized the final stages of the process as supporting a political outcome desired by the president's party.

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

The law prohibits discrimination based on race, gender, disability, language, or social status. In 2013 the National Congress reformed the penal code to include sexual orientation and gender identity as classes protected from discrimination. Authorities did not effectively enforce these laws.

Women

Rape and Domestic Violence: Violence against women and impunity for perpetrators continued to be a serious problem. The National Observatory of Violence reported 636 violent deaths of women during 2013, which represented an increase of 30 cases from 2012. The Observatory reported 277 violent deaths of women in the first six months of 2014. In 2013 the National Congress added the crime of femicide to the penal code. As of September the Public Ministry was managing 12 cases of femicide and attempted 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 September the special prosecutor for women received 383 reports of rape and other sexual crimes against women, compared with 203 such reports

between January and August 2013. The special prosecutor for women reported obtaining 39 convictions as of September.

Domestic and intimate partner violence continued to be widespread and affected all aspects of society. In November police discovered the bodies of Miss Honduras, Maria Jose Alvarado Munoz, and her sister, Sofia Trinidad Alvarado Munoz, whom they suspected Sofia's boyfriend killed in a fit of jealousy. The law criminalizes domestic violence with between two and four years' imprisonment. The only legal sanctions for the first offense of domestic abuse are community service and 24-hour preventive detention if the violator is caught in the act. 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.

As of July the Office of the Special Prosecutor for Women received 6,721 complaints of domestic abuse. The government operated three domestic violence shelters in Choluteca, La Ceiba, and Copan. NGOs operated small shelters in Santa Rosa de Copan, Juticalpa, and Tegucigalpa. 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 Office of the Special Prosecutor for Women worked to reduce the number of times victims would have to testify using consolidated interviews and camera recordings. The government also published a technical guide for providing integrated attention to women victims.

In March the government inaugurated a new center in Tegucigalpa to provide integrated legal, psychological, and social services to victims of domestic violence. Between March and October, the center provided services to 169 women, security measures for 20 women, and crisis services to 20 women.

Female Genital Mutilation/Cutting (FGM/C): Local law does not address FGM/C, and it was not practiced.

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 underreported due to fear of stigma and reprisal.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of children and to have the information and means to do so free from discrimination, violence, or coercion. According to the 2010 national maternal mortality study, the maternal mortality rate was 73 deaths per 100,000 live births, down from 110 in 2008. Sixty-four percent of married women used modern methods of contraception. 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 for much of the population. The Ministry of Health also worked to expand the provision of family planning services in rural areas. The United Nations Population Fund provided assistance in the purchase of contraceptives, and UNICEF provided assistance in extending to all regions of the country the basic program for preventing transmission of HIV from mother to child. The percentage of births attended by skilled personnel increased from 67 percent in 2005 to 83 percent in 2013. 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 that they alleged abridged a woman's right to make family planning decisions.

Discrimination: Although the law accords women and men equal rights, 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 protections or regulations. Women were present in small numbers in most professions, but cultural attitudes limited their career opportunities. Women participated in the 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. According to a 2013 study by the National Institute for Women, employers paid women on

average 16 percent less 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. Job seekers older than age 30, particularly women, faced discrimination based on their age when applying for jobs.

With the government restructuring during the year, the National Institute for Women was moved to 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 territory, from one's parents, or by naturalization.

Education: By law education is free, compulsory, and universal through ninth grade, although students were often charged fees at the school level. While estimated net enrollment rates for first to sixth grades were almost 93 percent, enrollment rates from seventh to ninth grades were less than 40 percent, and enrollment rates for 10th and 11th grades were only 27 percent. The country had approximately 12,600 primary schools but only 1,500 secondary schools. There was a shortage of middle schools and of adequately prepared teachers. The education ministry reported that more than 2,000 children between the ages of three and 17 stopped attending school in San Pedro Sula during 2013 because of harassment and bullying from gang members and narcotics traffickers. Of the children who dropped out, 86 percent were between the ages of six and 14.

Child Abuse: Child abuse remained a serious problem. The Violence Observatory of the National Autonomous University reported 643 cases of mistreatment and abandonment between January and September 2013. The law establishes prison sentences of up to three years for persons convicted of child abuse.

The Violence Observatory reported 722 homicides of children between January and September 2013. During the same period, the Observatory reported almost 200 cases of kidnapping or attempted kidnapping, 1,041 cases of rape and attempted rape, and 103 cases of disappearances of youth. NGOs stated that reported numbers likely underestimated the number of crimes against children. Children's organization Casa Alianza reported 235 homicides and violent deaths of

children younger than age 18 as of October. Police, gangs, and members of the public engaged in violence against poor youths. Human rights groups continued to allege that individual members of the security forces and civilians used unwarranted lethal force against supposed habitual criminals, suspected gang members, and other youths not known to be involved in criminal activity. The national human rights commissioner expressed concern about the number of violent deaths of children younger than age 14, which totaled 458 between 2010 and 2013. Press linked the killing of nine children in less than one month in a San Pedro Sula neighborhood to attempted gang recruitment.

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.

Female Genital Mutilation/Cutting (FGM/C): The law does not address FGM/C, and it was not practiced.

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 the age of 12 is 15 to 20 years' imprisonment. It is 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 (\$50,000 to \$125,000). 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: A large population of children lived on the streets. Casa Alianza estimated that approximately 8,000 children relied on the streets for food and income in the major cities. During the year Casa Alianza treated an estimated 1,000 children in the streets, in the process of family reintegration, and in residential centers in Tegucigalpa alone. As of August the organization was providing assistance to 386 children through residential programs and an additional 152 children who lived on the streets.

There was a significant increase in the number of children leaving the country. Polling indicated a lack of economic and educational opportunity in the country,

fear of violence, and family reunification were the primary motivations for migration.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/english/legal/compliance.html, as well as country-specific information at travel.state.gov/content/childabduction/english/country/honduras.html.

Anti-Semitism

The Jewish community, located primarily in San Pedro Sula, numbered approximately 1,000. While there were no reports of anti-Semitic acts of violence, graffiti swastikas were visible in some areas of Tegucigalpa.

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. Although enforcement in employment is the responsibility of the Secretariat of State of Labor and Social Security (STSS), enforcement was not effective due to the secretariat's focus on workplace safety and pay problems. Enforcement of the laws in other areas is the responsibility of the Public Ministry. 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 Ministry of Education created special classrooms for children with reading and writing disabilities and managed pilot projects for children with severe disabilities. The law includes provisions for inclusive education for students with special needs. The ministry promulgated regulations to implement the law and created a separate division to manage special education. According to

the ministry, the national education system served 49,981 students with special needs in 2013. Patterns of abuse were reported in mental health facilities, including 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 the office of the special commissioner for disabilities of the Secretariat of State of the Presidency.

National /Racial/Ethnic Minorities

No recent estimates were available on the number of persons comprising indigenous and other ethnic minority groups. Different estimates dating back more than six years ranged from approximately 621,000 persons, constituting 8 percent of the general population, to approximately 1.5 million persons, constituting 20 percent of the general population. These groups, including the 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 to make decisions affecting their lands, cultures, traditions, and the allocation of natural resources.

According to government data, poverty affected a large percentage of indigenous and Afro-Honduran children. Poverty particularly affected Tolupan, Lenca, and Pech children. UNICEF called the situation of indigenous and Afro-Honduran children precarious and vulnerable. UNICEF 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.

Communal ownership was the norm for most indigenous lands, providing land use rights to individual members of the ethnic community. Documents dating back to the mid-19th century often poorly defined indigenous land titles, although the government increased efforts to recognize indigenous titles. Lack of a clear title allowed encroachment by, and expropriation conflicts with, landless nonindigenous field workers, 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.

Narcotics trafficking organizations surrounded, detained, and threatened leaders of an indigenous Garifuna community in July, according to NGO reports.

In September the Inter-American Court of Human Rights began hearing the case of an indigenous Garifuna community that claimed the government had violated its property rights by failing to protect the community's land from invasion by others.

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, transferring 550 212 square miles in 2012 and an additional 3,668 square miles in 2013. By year's end the government expected to transfer an additional 1,931 square miles, which would ultimately benefit 120 indigenous communities. NGOs supported the indigenous communities in their negotiation with the government and the establishment of their juridical identity.

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

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 with respect to employment and occupation, education, housing, and health services. The special prosecutor for indigenous affairs reported that both of the formal complaints filed for discrimination in 2013 were proceeding in court, compared to only one of the 16 complaints filed for land usurpation. Of the 16 usurpation complaints filed in 2013, five cases were dismissed and 10 remained in investigation 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. Social discrimination against LGBT persons was widespread. The special prosecutor for human rights reported receiving six legal complaints of discrimination against the LGBT community as of September. Representatives of NGOs focusing on sexual diversity rights asserted police and others harassed and abused their members. As of September NGOs reported 13 violent deaths of LGBT individuals, compared with 24 in 2013. NGOs reported that three of the 13 cases were in some phase of the judicial process as of September. The national human rights commissioner reported 92 percent of crimes committed against LGBT persons remained unsolved due to lack of investigation. NGOs also documented multiple cases of assault and discrimination against members of the LGBT community. In July prosecutors charged six soldiers with dereliction of duty for failing to intervene in an altercation between a transsexual sex worker and another person.

LGBT rights groups asserted that government agencies and private employers engaged in discriminatory hiring practices. LGBT 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.

During the year the Violent Crimes Task Force made five arrests, brought two cases to trial, and obtained one conviction and one acquittal in cases of homicides of LGBT individuals. Between January 2011 and August 2014, the Violent Crimes Task Force investigated 110 LGBT victim homicides. Two of the cases appeared to be hate crimes and remained open.

HIV and AIDS Social Stigma

The national commissioner for human rights conducted a study in which four of every 10 persons with HIV/AIDS stated they had suffered discrimination. They often failed to report this discrimination for fear of stigmatization. The national human rights commissioner reported that the lack of work and educational opportunities and access to health services continued to be the major challenges for persons with HIV/AIDS.

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, to bargain collectively, and to strike, and it prohibits employer retribution for engaging in trade union activity, but it places a number of restrictions on these rights. For instance, the law requires 30 or more workers to constitute a trade union, prohibits foreign nationals from holding union offices, and requires 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 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. In addition the law prohibits strikes in a wide range of economic activities the government deems essential services and 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 reach administrative decisions and fine companies for violations of the right to freedom of association. The law permits fines of between 200 and 10,000 lempiras (\$10-\$500) for a violation. In the case of unlawful dismissals of founding union members and union leaders, the law provides that employers also pay a fine equivalent to six months of the dismissed leaders' salaries to the workers' union. Civil society, international organizations, and the STSS noted that these 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, which can add months 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 several collective agreements.

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 STSS formally notified the employer of union formation. Although there is no legal requirement 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 notify 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 nonreceipt of 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 increased 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. Employers commonly threatened to close unionized factories and harassed or dismissed workers seeking to unionize. They also fired leaders with impunity soon after workers formed unions to prevent the union from functioning. 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. For example, in the Kyungshin-Lear factory in San Pedro Sula, company management continued to dismiss successive members of union leadership and reportedly barred STSS inspectors from entering on numerous occasions.

There were also several cases in which union leaders were threatened with violence.

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

Several companies in the export processing zones instituted 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 (\$250) were insufficient to deter violations and often not enforced. Penalties for forced labor under antitrafficking laws range from 10 to 15 years' imprisonment, but authorities did not enforce them.

Forced labor occurred in agriculture, street vending, domestic services, and the transit of drugs and other illicit items. Victims were primarily impoverished men, women, and children in both rural and urban areas (also see section 7.c).

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. 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 (\$250) up to 25,000 lempiras (\$1,250) for the first violation and up to 50,000 lempiras (\$2,500) 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 outside the apparel assembly sector, and there were frequent violations.

In 2013 the national human rights commission stated that approximately 412,000 children between the ages of five and 17 worked. Also during 2013 the National Statistics Institute reported there were 372,578 children working. The vast majority of children who worked did so without STSS permits. Children often harvested coffee, okra, and sugarcane; 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.

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 or Occupation

The law prohibits discrimination with respect to access to employment on the basis of age, sex, disability, nationality, race, religion, political opinion, language, sexual orientation and/or gender identity, HIV-positive status, or social status. The law prohibits employers from requiring pregnancy tests as a prerequisite to employment. The government did not effectively enforce these laws and regulations.

Persons with disabilities, women, indigenous and Afro-Honduran persons, LGBT persons, and persons with HIV/AIDS faced discrimination in employment and occupation (also see section 6).

e. Acceptable Conditions of Work

Monthly minimum wages were set based on industry, number of employees, and location of the workplace; they ranged from 5,114 lempiras (\$256) to 8,224 lempiras (\$411).

The law applies equally to national and foreign workers, regardless of gender, and prescribes a maximum eight-hour shift per day, 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.

Occupational safety and health standards were current but not enforced. By law workers can 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 (\$50) for failure to pay the minimum wage, 500 lempiras (\$25) for occupational safety and health violations, and 5,000 lempiras (\$250) 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 12,079 inspections between January and August 2013 to 14,897 inspections as of August. There were 135 labor inspectors. The STSS trained 39 inspectors in Tegucigalpa and San Pedro Sula.

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, as 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, particularly in the northern part of the country. Inspectors repeatedly failed to respond to inspection requests alleging labor law violations, impose, or collect fines when they found labor law violations, and ensure enforcement of remediation orders.

Authorities did not effectively enforce worker safety standards, particularly in the construction, garment assembly, and agriculture sectors. The STSS also failed to re-inspect or take any other follow up measures to determine whether employers had corrected previously identified 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. There were reports that 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. Household workers often lacked contracts and received salaries below the minimum 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. 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. 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. Due to the temporary closure of the conch fishery and the legislative ban on compressed air diving for sea cucumber passed in June, the total number of deaths in the dive fisheries decreased to six deaths. There were also 15 injuries resulting in permanent paralysis as of November.