

HONDURAS

EXECUTIVE SUMMARY

Honduras is a constitutional, multiparty republic. Following November 2009 elections, which the international community generally recognized as free and fair, Porfirio “Pepe” Lobo assumed the presidency in January 2010 and formed a government of national unity including all five registered political parties. Security forces reported to civilian authorities, but there were instances in which elements of the security forces acted independently of civilian control.

Among the most serious human rights problems were corruption within the national police force, institutional weakness of the judiciary, and discrimination and violence against vulnerable populations.

Police and government agents committed unlawful killings. Vigilantes and former members of the security forces carried out arbitrary and summary killings. There continued to be reports of killings of agricultural workers, private security guards, and security forces related to a land dispute in the Bajo Aguan region. Other human rights problems included harsh prison conditions, violence against detainees, lengthy pretrial detentions and failure to provide legal due process, child prostitution and abuse, trafficking in persons, ineffective enforcement of labor laws, and child labor.

The government took important steps to strengthen respect for human rights and promote national reconciliation, as well as to prosecute and punish officials who committed abuses. However, corruption and impunity were serious problems that impeded the effectiveness of the National Police.

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports that members of the security forces committed arbitrary or unlawful killings. For example, on October 31, eight police officers were charged with the October 22 killing of two National Autonomous University of Honduras students, Carlos David Pineda and Rafael Alejandro Vargas, and the ensuing cover-up. Police officers allegedly followed the students as they were leaving a discotheque and shot at the car in which they were traveling, wounding Vargas. Both victims were then moved to another location and executed. On November 3,

the first hearing in the case was held; four of the eight police officers--Martin Orlando Ortez, Jose Manfredo Funez, Gabriel Donato Mancía, and Wilson Roberto Cordova--were arrested and at year's end were in prison awaiting trial. A fifth officer, Jose Ruben Pozo, turned himself in on December 7 and also was in prison. The final three suspects--Carlos Geovanny Galeas, Wilfredo Figueroa, and Santos Arnulfo Padilla--were at large after being granted 48 hours of leave on October 28 by the director of the Metropolitan Police, Jorge Alberto Barralaga.

On December 7, unknown gunmen on a motorcycle shot and killed former senior government adviser for security Alfredo Landaverde. In the weeks preceding his death, Landaverde had publicly called for cleaning up the National Police and alleged that its leadership was linked to organized crime. An investigation into his death continued at year's end.

During the year confrontations over a long-standing land dispute between owners of African palm plantations and rural field workers in the Aguan Valley, Colon Department, resulted in the deaths of or injuries to approximately 55 persons, including field hands, private security guards, security force members, one judge, and bystanders. At year's end responsibility for all but two of these deaths had not been established. Human rights groups alleged that police, soldiers, and private security guards used disproportionate force against the protesting workers. On August 15, approximately 200 unknown gunmen attacked a group of private security guards, killing four and wounding 11. An investigation into the attack continued at year's end. On August 20 and 21, two leaders of field worker collectives, Secundino Vallecillo and Pedro Salgado, were killed in separate attacks. Two suspects were apprehended for the killing of Salgado and his common-law wife, Irene Licona.

The country had an extremely high homicide rate, registering 82 murders per 100,000 inhabitants during the year. The Department of Colon saw an increase of 17 percent in homicides compared with 2010. In response to the continuing violence in the Bajo Aguan region, the Secretariat of Security deployed a combined force of approximately 500 military and police to augment security forces in the region. In October the secretariat established a Human Rights Observatory as part of the security force deployment. In addition, in September the government facilitated a land purchase agreement that would allow the agricultural collectives to purchase land in the region that would be managed by a trust. Despite the agreement, on September 16, a government security force came under attack, leaving two security force members dead and several more injured.

As of year's end no date had been set for the trial of the police chief of Siguatepeque and seven other police officers accused of homicide, torture, and illegal detention in the June 2010 death of Mario Orlando Sequeira.

An arrest warrant was issued in March 2010 for Moises Lopez Benitez for the 2009 shooting and subsequent death due to injuries of Angel Salgado after he drove through a military roadblock enforcing a curfew in Tegucigalpa. At year's end his whereabouts were unknown.

b. Disappearance

There were no reports of politically motivated disappearances. However, some disappearances, including of minors, were believed to have been criminally motivated abductions, while others were attributed to voluntary acts of persons leaving the country for employment or to escape death threats. During the year there were 32 such cases, compared with 71 in 2010.

On July 25, police detained Jose Santos Varela Vasquez at a substation in a market in Tegucigalpa and reportedly took him to three different police stations, where officers repeatedly beat him. Police records showed that he was released the next day, but his family contended that his signature for release was forged. His body was found on August 12. The case was under investigation at year's end.

As of year's end authorities had not presented indictments of four suspects identified in the February 2010 kidnapping of Manuel de Jesus Murillo and Ricardo Rodriguez, camera operators for Globo TV.

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

Although the constitution and law prohibit such practices, there were instances in which the police and military employed them, including police beatings and other abuse of detainees. In September the government created the National Committee and Advisory Council against Torture and Cruel, Inhuman, and Degrading Treatment in compliance with the Optional Protocol of the UN Convention against Torture to address this problem.

On January 15, 20 unidentified heavily armed men wearing military uniforms broke into a private residence without a warrant and reportedly kicked and applied electric shocks to the inhabitants. The attackers later handcuffed the victims, took

them to a wooded hill, and continued to beat them. One of the victims escaped and filed a report with the special prosecutor for human rights. An investigation into the case continued at year's end.

Prison and Detention Center Conditions

Prison conditions were harsh and at times life threatening. Human rights groups reported that prisoners suffered from severe overcrowding, malnutrition, and lack of adequate sanitation, although they had access to potable water. Due to overcrowding and lack of adequate training of prison staff, prisoners were subject to various abuses, including rape by other inmates. There were reports that prisoners were tortured or otherwise abused in, or in transit to, prisons and other detention facilities.

The ready access of prisoners to weapons and other contraband, impunity for inmate attacks on nonviolent prisoners, inmate escapes, and threats by inmates and their associates outside prisons against prison officials and their families contributed to an unstable and dangerous penitentiary system environment. Human rights organizations charged that prison officials used excessive force against prisoners, including beatings, as well as isolation and threats.

During the year 49 inmates reportedly died due to violence. Authorities held prisoners from rival gangs in different facilities or in different areas of the same prison to reduce intergang violence and developed a more efficient classification system to identify potentially violent prisoners.

Persons with mental illnesses, as well as those with tuberculosis and other infectious diseases, were held with the general prison population. Authorities at the Dr. Marco Aurelio Soto National Penitentiary at Tamara reported that, while their facility was the only prison in the country with an antiretroviral treatment program, the facility did not have necessary materials to test for or diagnose HIV/AIDS, tuberculosis, or diabetes. For the nearly 3,000 inmates held at Tamara, there was only one dentist, and the surgical facility lacked anesthesia, surgical gloves, and needles.

The country had 25 prisons--24 for men or mixed populations and one exclusively for women. The total prison population was 11,660, of which an estimated 400 were women. Authorities reported that the men's section of the Tamara complex, with a designed capacity of 1,500, held 2,781 male inmates.

Two juvenile prisons, operated under the supervision of the Honduran Institute of the Child and Family, held 164 inmates at year's end. Judges tended to place minors in detention centers in the absence of other educational or reform programs.

Female prisoners generally were held in separate facilities under conditions similar to those of male prisoners but, unlike their male counterparts, did not have conjugal visit privileges. At certain lower-security prisons, women were held with the general population. Children up to the age of two were permitted to stay with their mothers in prison. Authorities often held pretrial detainees together with convicted prisoners. Minors were sometimes held with adults.

Authorities generally permitted inmates to have reasonable access to visitors and religious services of their choice. Authorities permitted inmates to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions. The director of prisons held meetings with human rights organizations. While the government did not directly monitor prison conditions, the National Police and the Secretariat of State of Security investigated credible allegations from prisoners or NGOs regarding inhumane conditions. Investigations resulted in written reports, which were available to the public. The government generally permitted prison visits by independent local and international human rights observers, including the International Committee of the Red Cross.

According to the National Directorate of Special Preventive Service, the national commissioner on human rights, who performs some of the functions of an ombudsman, does not serve on behalf of prisoners and detainees. Instead, public defenders and judges served on behalf of prisoners for such matters as seeking alternatives to incarceration for nonviolent offenders to alleviate overcrowding; addressing the status and circumstances of confinement of juvenile offenders; or improving pretrial detention, bail, and recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense.

The Secretariat of Security continued a major prison reform program that began in 2010 involving the construction of new facilities to reduce overcrowding, separate the most dangerous prisoners from nonviolent offenders, and promote rehabilitation. In October the government opened a new maximum-security prison near Tegucigalpa with a capacity of 220 and began transferring prisoners to the facility.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but authorities at times failed to enforce these prohibitions effectively (see section 1.b.).

Role of the Police and Security Apparatus

The Secretariat of Security oversees police operations, including those of the National Police, National Preventive Police, Criminal Investigation Division, Transit Police, Frontier Police, Tourist Police, and Prison Police. The National Police maintain internal security. The armed forces are responsible for external security but also have some domestic security responsibilities. On December 6, the National Congress approved a decree that grants the military policing powers for a 90-day period under special circumstances, including at the request of the secretary of state for security.

The Directorate of Internal Affairs of the National Police was removed from the National Police in November following the alleged attempted cover-up of the alleged police killings of Carlos David Pineda and Rafael Alejandro Vargas (see section 1.a.). On November 30, the National Congress created a new external entity charged with police oversight, the Directorate General of Investigation and Evaluation of the Police Career, and named Oscar Manuel Arita director of the new investigative body.

Corruption and impunity were serious problems that impeded the effectiveness of the security forces. At the end of August, there were 455 ongoing investigations of police officers in relation to administrative and criminal complaints, including conduct not befitting an officer, abuse of authority, police brutality, robbery, and homicide. Before it was dismantled, the Internal Affairs Directorate completed 145 investigations of police accused of abuses and began legal proceedings in 43 of those cases, an increase of 26 percent compared with 2010.

During the year the National Police Academy provided 150 hours of human rights training to students at the Honduran Police National University, 120 hours to the National Police Academy, 60 hours to the Officers Candidate School, and 10 hours to the Police Technology Institute.

In January a special victims task force was created to address violent crimes against vulnerable communities, including members of the press and the lesbian, gay, bisexual, and transgender (LGBT) community. By the end of October, the efforts of this unit had led to four arrests and two warrants for arrest.

In September Alba Castaneda, who had close ties to the human rights community, was appointed vice minister of security. She subsequently initiated continuing education in human rights training provided to the National Police.

In October the Secretariat of Defense began reviewing a proposal for a comprehensive human rights initiative aimed at strengthening human rights training in the armed forces.

Gang violence and intimidation, notably on public transport, remained serious problems. To combat these problems, the Secretariat of Security funded and installed 134 security cameras during the year along public transit routes and inside public buses.

Arrest Procedures and Treatment While in Detention

The law provides that police can arrest a person only with a court order, unless the arrest is by order of a prosecutor or is made during the commission of a crime, when there is strong suspicion that a person has committed a crime and may try to evade criminal prosecution, or when the person is caught with evidence related to a crime. The law requires police to inform a person of the grounds for arrest and bring a detainee before a competent authority within 24 hours. It stipulates that the prosecutor has 24 hours to decide if there is probable cause for an 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. 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 state-provided counsel, authorities did not always follow these requirements.

Arbitrary Arrest: The constitution and law prohibit arbitrary arrest and detention, but authorities at times failed to observe these prohibitions.

Pretrial Detention: Lengthy pretrial detention was a serious problem. Forty-eight percent of prison inmates had been formally sentenced, while 52 percent had either not started or completed their trials. The law mandates the release from prison of detainees whose case has not come to trial and whose time in detention has exceeded the maximum prison sentence for the crime of which they are accused.

As a result of trial delays, that limit was exceeded for many pretrial detainees. Many prisoners remained in prison after being acquitted or having completed their sentences due to the failure of officials to process their releases. Judicial inefficiency, corruption, and insufficient resources contributed to delays.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judicial system was poorly funded and staffed, inadequately equipped, often ineffective, and subject to patronage, corruption, and political influence.

Low wages and lack of internal controls rendered judicial officials susceptible to bribery, and powerful special interests exercised influence on the outcomes of court proceedings. To begin addressing these problems, in 2010 Congress made permanent the Interinstitutional Commission of Penal Justice with the purpose of performing judicial oversight. In September the Supreme Court created a division of the commission to focus on human rights cases reported since the 2009 coup.

In October the Supreme Court dismissed charges of abuse of authority against the former armed forces chief of staff and five other members of the Joint Staff for executing an arrest warrant issued for former president Jose Manuel Zelaya and denying him due process by exiling him to Costa Rica. The court declared that the defendants' actions were justified due to a "state of necessity" to avoid violence.

In September the Judicial Career Council delivered a verdict regarding the July 2010 petition for reinstatement presented by four judges who were members of the anticoup organization Judges for Democracy. The council ruled that only one of the judges, Ramon Barrios Maldonado, was eligible for reinstatement. The remaining judicial officers had a complaint pending with the Inter-American Commission on Human Rights (IACHR) at year's end. Domestic and international civil society groups alleged that the June 2010 dismissals were in retaliation for the anticoup activism by the judges.

Trial Procedures

By law an accused person is presumed to be innocent. Jury trials are not used, but the accused has the right to have 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 for all citizens; permits defendants to confront or question witnesses and

present witnesses and evidence on their behalf; and provides defendants access to government-held evidence relevant to their cases. However, these rights were frequently not observed.

Common challenges to criminal prosecutions included a lack of credible evidence presented by the prosecution, lack of witness protection, widespread public distrust in the legal system, and judicial corruption.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary that is available to citizens seeking civil remedies for human rights violations. A litigant can bring civil charges when the criminal court determines that damages may be sought. The government increased the budget of the special prosecutor for human rights from 11.7 million lempiras (\$617,000) in 2010 to 16 million lempiras (\$844,000). In addition, the special prosecutor for human rights was allotted an additional six prosecutors, bringing to 19 the total number of prosecutors dedicated solely to allegations of human rights abuses by government actors. Citizens may file complaints with the IACHR.

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 at any time in an emergency or to prevent the commission of a crime. There were credible charges that police occasionally failed to obtain the required authorization before entering a private home.

Garifuna representatives and other ethnic minority rights leaders continued to complain that the government failed to redress previous actions by private and public security forces that dislodged farmers and indigenous groups that claimed ownership of lands based on land reform laws or ancestral titles to property (see section 6).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution and laws provide for freedom of speech and press, and the government generally respected these rights in practice. In May the government repealed a state of siege law that permitted the suspension of civil liberties. However, the news media continued to suffer from vulnerability to special interests and weak professionalism in reporting and analyzing news. A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the news media and substantially influenced the political and factual content of reporting in their publications.

Violence and Harassment: In contrast with 2010, killings of journalists decreased, but harassment of journalists increased. Both problems remained serious concerns. During the year there were reports that unknown actors killed five journalists and one media executive. There also were reports of harassment and intimidation of other members of the media, their families, and NGOs; some journalists and NGOs believed that security forces were involved in these acts.

On December 22, Leonel Espinoza, the local correspondent for the Colombian news channel NTN, was stopped at gunpoint by a National Preventive Police unit, forcibly removed from his vehicle, handcuffed, and briefly detained. Espinoza believed the motivation for his detention was to intimidate him because of his reporting on corruption in the National Police. At year's end an investigation continued.

On May 10, two unidentified men shot and killed Hector Francisco Medina near his home in Morazan, Yoro. He had been the subject of threats for six months before his death, reportedly related to his investigative reporting on alleged corruption in city government and regional land disputes. At year's end a police investigation continued. Medina's family reported that it continued to receive threats.

On December 5, unknown gunmen attacked the Tegucigalpa offices of the newspaper *La Tribuna*, injuring a security guard. NGOs and *La Tribuna* officials believed the motive was the newspaper's reporting of alleged police involvement in the killings of two university students (see section 1.a.). At year's end an investigation continued.

At year's end the case against police officer Hector Tercero, charged with abuse of authority, illegal detention, and harassment in connection with the detention of Aguan television Channel 5 director Nahum Palacios, remained under appeal, and an investigation continued. In March 2010 unknown assailants shot and killed Palacios.

On October 31, Marcos Joel Alvarez Barahona, tried for the June 2010 fatal shooting of journalist David Enrique Meza in La Ceiba, was absolved of the crime. At year's end an investigation continued.

Jhonan Joseph Cockborn, arrested in July 2010 for the murder of journalist Jorge Alberto Orellana, remained in detention awaiting trial. Investigations of the March 2010 deaths of Joseph Antony Hernandez and other journalists continued at year's end.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

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 in practice. There were, however, allegations from NGOs that police used excessive force in responding to demonstrations.

Between March 17 and April 1, there were protests led by teachers' unions that involved from several hundred to several thousand protesters. The protests were sometimes violent, and police used tear gas and water cannons in response to demonstrators, who threw Molotov cocktails and rocks. The altercations resulted in 15 cases of alleged human rights violations reported to the special prosecutor for human rights.

Freedom of Association

The constitution and law generally provide for freedom of association, and the government generally respected this right in practice. 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 (\$1,580 to \$3,160) 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. The penal code prescribes prison terms between 20 and 30 years and a fine of 100,000 to 300,000 lempiras (\$5,280 to \$15,800) to heads of gangs or other groups that associate to commit a crime. Human rights organizations continued to criticize the law and its implementation as an undue restriction on the right to associate freely. LGBT advocacy groups continued to express concerns that the law could be used to criminalize social activities and organizations of the LGBT community.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

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

The law prohibits forced exile, and the government did not use forced exile in practice. However, several NGOs reported that certain members went into exile in response to death threats they had received.

Protection of Refugees

The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of nearly universal suffrage. The law does not permit active members of the clergy and of the military and civilian security forces to vote.

Elections and Political Participation

Recent Elections: In January 2010 Porfirio “Pepe” Lobo assumed office for a four-year presidential term following elections in November 2009 that international observers considered to be generally free and fair.

Participation of Women and Minorities: The law states that at least 30 percent of candidates from each party for national election should be women. Women held 25 of 128 seats in the National Congress, and 30 women were alternate members. Six women sat on the 15-member executive board of congress, and 12 presided over congressional committees. One of three presidential designates in the government with equivalent status to that of a vice president was a woman. There were three female cabinet members: the secretaries of state for justice and human rights, for tourism, and for social development.

The National Congress had one Misquito community member and one Afro-Honduran member. The cabinet-level minister of the Secretariat of State for Indigenous and Afro-Honduran Affairs was an Afro-Honduran.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for corruption, but authorities did not effectively implement the law. Despite sustained improvement, government institutions were subject to corruption and political influence, and some officials engaged in corrupt practices with impunity.

There was a widespread public perception that the anticorruption institutions had not taken sufficient steps to contain corruption and were unwilling or lacked the

professional capacity and the resources to investigate, arrest, and prosecute those involved in high-level corruption.

On June 27, the Preventive Police took control of security operations at Puerto Cortes from the federal government-run National Port Company (ENP) as a result of findings by a presidential commission investigating charges of corruption, waste, and mismanagement in the port's operations. ENP general manager Maynor Pinto and his deputy, Mario Coto, were suspended as a result of the investigation and replaced with a high-level commission headed by a vice minister. The commission presented its findings to the president in November. At year's end the report had not been made public, but charges were brought against Pinto before the Supreme Court of Justice, and authorities were investigating the allegations against Coto.

On June 15, a judge hearing two of four criminal cases pending against Enrique Flores Lanza, former secretary of state in the Presidential Office in the administration of former president Jose Manuel Zelaya, ordered that Flores Lanza be put under house arrest and pay 27 million lempiras (\$1.4 million) for bail, reportedly the largest bail amount in the country's history. In November Lanza won an appeal that suspended the bail requirement and released him from house arrest. The charges against Lanza included fraud, falsification of public documents, abuse of authority, and use of falsified public documents. In one of the other two cases lodged against Flores Lanza, an appeal by the prosecution to remove the judge hearing the case was dismissed in September.

Public officials are subject to financial disclosure laws. The Public Ministry, police investigative services, and Superior Accounting Tribunal are the government agencies responsible for combating corruption. There is an anticorruption interinstitutional working group composed of the Superior Accounting Tribunal, Office of the Solicitor General, Public Ministry, Supreme Court, Institute for Access to Public Information (IAIP), National Commission of Human Rights, and Anticorruption Council.

The government allowed access to public information for citizens and noncitizens, including foreign media, through the IAIP. The institute operates a Web site for citizens to request information from government agencies and is responsible for ensuring that government institutions comply with the government transparency rules and practices for permitting access to 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. During the year IAIP staff travelled nationwide to increase public awareness of the Law on Transparency and Access to Public Information. The IAIP received 61 appeals in 2010 and more than 300 in 2011, most related to a request from an NGO for information on how the 128 members of the National Congress spent their subsidies during the 2006-10 congressional session. The IAIP ruled in favor of the NGO and was working with the National Congress to release the information.

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. For example, on August 30, the government requested that the Office of the UN High Commissioner on Human Rights open an office in the country.

Government Human Rights Bodies: On July 7, in accordance with the Tegucigalpa-San Jose Accord, the Truth and Reconciliation Commission issued its report on the 2009 coup. The commission consisted of three international and two Honduran commissioners and was independent and adequately resourced. Commission members travelled to all of the country's 18 departments and interviewed 37 of the crisis' main actors (with the exception of former president Jose Manuel Zelaya, who declined to meet with the commission), 250 alleged victims of human rights abuses, and 180 other key participants. It also conducted 125 town hall-style meetings. The commission issued 84 recommendations, including recommendations to improve the constitution, respect for human rights, and combat against corruption. In November the government established a unit under the Secretariat of Justice and Human Rights to oversee implementation of the recommendations.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, but it was not effectively enforced. Political, military, and social elites generally enjoyed impunity under the legal system. Women and other vulnerable groups continued to suffer social and economic discrimination.

Women

Rape and Domestic Violence: The law criminalizes all forms of rape, including spousal rape. With the exception of spousal rape, which is evaluated on a case-by-case basis, rape is considered a public crime. A rapist can 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 in practice. Rape was reportedly a serious and pervasive societal problem and continued to be underreported due to fear of stigma, retribution, and further violence. At year's end police reported receiving 216 cases of rape and other sexually related crimes against women.

The law criminalizes domestic violence, the penalty for which is imprisonment for between two and four years. The only legal sanctions for lesser forms 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, and authorities did not enforce the law effectively.

Violence against women and impunity for perpetrators continued to be serious problems. The National Criminal Investigation Division reported it was investigating 3,148 complaints of domestic abuse and 473 killings of women (of more than 6,723 male and female victims of homicide). There were three government-operated domestic violence shelters in Choluteca, La Ceiba, and Copan. NGOs operated shelters in Santa Rosa de Copan, Juticalpa, and Tegucigalpa. The government provided insufficient financial and other resources to enable these facilities to operate effectively. However, in cooperation with the UN Development Program, the government opened a consolidated reporting center in La Ceiba where women could report a crime, seek medical and psychological attention, and receive other services.

Sexual Harassment: The law prohibits sexual harassment in the workplace and provides penalties of one to three years' imprisonment, but the government did not effectively enforce the law. Government agencies and the National Institute of Women promoted enforcement of the law through campaigns to encourage public reporting of sexual harassment.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children. Information about access to contraception was widely available, and access to contraception was free from discrimination, violence, or coercion. Skilled attendance, including essential

obstetric, prenatal, and postpartum care before and during childbirth, and access to maternal health services were available only to those who could afford it. According to the UN Population Fund, only 67 percent of births were attended by trained medical personnel, and in 2008 the maternal mortality rate was 110 deaths per 100,000 live births.

Discrimination: Although the law accords women and men equal rights, including property rights in divorce cases, in practice women did not 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 represented in small numbers in most professions, but cultural attitudes limited their career opportunities. By law women have equal access with men 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. Workers in the textile export industries continued to report that they were required to take pregnancy tests as a condition for employment.

The National Institute for Women develops government policy on women and gender. In addition, the federally sponsored National Plan on Equality and Gender Equity works to incorporate objectives to achieve gender equity. The NGO Center for the Rights of Women actively addressed women's issues.

Children

Birth Registration: Birth registration was widely available. Citizenship is derived by birth within the territory, from one's parents, or by naturalization.

Child Abuse: Child abuse was a serious problem. The law establishes prison sentences of up to three years for persons convicted of child abuse. The Permanent Commission on Protection for the Physical and Moral Well-Being of Children, coordinated by the Secretariat of State of Interior and Population, coordinates public and private entity efforts to combat child abuse.

Police, gangs, and members of the general public engaged in violence against poor youths and children. Human rights groups alleged 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.

Sexual Exploitation of Children: Trafficking in children for commercial sexual exploitation and child prostitution were problems. Penalties for facilitating prostitution are between nine and 15 years in prison and a fine ranging between 50,000 and 100,000 lempiras (\$2,640 and \$5,280). The penalty increases by half if the victim is less than 18 years of age. There is no statutory rape law, but the penalty for rape of a minor under the age of 12 is between 15 and 20 years in prison and between nine and 13 years if the victim is 13 or older. The law prohibits the use of children under the age of 18 for exhibitions or performances of a sexual nature and in the production of pornography. The country continued to be a destination and transit point for child prostitution.

Casa Alianza operated three shelters (with a daily capacity of 180 children) for victims of commercial sexual exploitation, street children, and children with substance abuse problems, and it provided vocational and educational training for the parents of 365 children at risk. The government provided a hotline where reports of suspected crimes against children could be conveyed directly to investigative authorities.

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/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. Enforcement is the responsibility of the Secretariat of Labor and Social Security (STSS) ; however, it focuses primarily on workplace safety and pay issues. Statutory provisions make it illegal for an

employer to discriminate against a worker based on disability. There were no verifiable reports of discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The law requires access to buildings for persons with disabilities. In practice few buildings were accessible, and the federal government did not effectively implement laws or programs to ensure such access. The government has a disabilities unit in the Secretariat of Social Development and a special commissioner for disabilities in the Secretariat of the Presidency.

Indigenous People

Approximately 621,000 persons, constituting 8 percent of the general population, were members of indigenous and other ethnic minority groups. These groups, including the Misquitos, Tawahkas, Pech, Tolupans, Lencas, Maya-Chortis, Nahual, Bay Islanders, and Garifunas, lived in 362 communities and generally had little or no political power to make decisions affecting their lands, cultures, traditions, and the allocation of natural resources.

Most indigenous lands were owned communally, providing land-use rights to individual members of the ethnic community. Indigenous land titles often were defined poorly in documents dating back to the mid-19th century. Lack of a clear title allowed encroachment and expropriation conflicts by landless nonindigenous settlers, powerful business elites, and government entities interested in exploiting coastlines, forests, and other lands traditionally occupied or utilized by indigenous and other ethnic minority communities. Indigenous and nonindigenous communities criticized the government's alleged complicity in the exploitation of timber and other natural resources on these lands. Indigenous groups maintained that their community-based land systems more effectively protected their lands from encroachment by large landowners and that outside groups engaged in illegal activities. Garifuna leaders continued to allege that groups engaged in drug smuggling and other contraband trafficking had illegally appropriated vast areas of their communal lands.

During the year the Secretariat of State for Indigenous and Afro-Honduran Affairs and Maya-Chorti community members began meeting to resolve the Maya-Chorti's long-standing concerns about noncompliance with land restitution commitments made by the government in 2008 and to address landowner threats to eject community members from tribal lands.

Persons from indigenous and Afro-descendant communities continued to experience discrimination with respect to employment and occupation, education, housing, and health services. There were minimal government efforts to combat this discrimination.

The Secretariat of State for Indigenous and Afro-Honduran Affairs worked to preserve native culture as well as raise the standard of living of the indigenous population. It established regional offices to manage investment and development in areas with a high concentration of indigenous persons.

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

There are no discriminatory laws based on sexual orientation, but in practice social discrimination against persons from sexual minority communities was widespread. Representatives of NGOs focusing on sexual diversity rights asserted that security forces killed and abused their members. Prosecutors often encountered serious difficulties in investigating suspicious deaths of LGBT persons because the victims had concealed their identity or sexual orientation.

Sexual minority rights groups asserted that security forces, government agencies, and private employers engaged in antigay discriminatory hiring practices. These groups also reported that intimidation, fear of reprisal, and police corruption made LGBT victims reluctant to file charges or cooperate with prosecutions.

The National Police reported 30 violent deaths of LGBT individuals during the year. Criminal investigations do not recognize a “transgender” category.

At year’s end there was no information regarding any investigation of the 2010 killings of the president, Neraldys, and vice president, Imperia Gamaniel Parson, of the LGBT NGO Colectivo TTT. Human rights advocates continued to assert that the killings were hate crimes.

At year’s end there were no known developments in the prosecutor’s investigation of the 2009 fatal shooting by unknown assailants of LGBT activist Walter Orlando Trochez in Tegucigalpa.

Other Societal Violence or Discrimination

No widespread societal violence or discrimination against persons with HIV/AIDS was reported.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Although the law provides for the right of workers to form and join unions of their choice, protects the right to bargain collectively and to strike, and prohibits employer retribution for engaging in trade union activity, it places a number of restrictions on these rights. For instance, the law prohibits coexistence of more than two trade unions at a single enterprise, requires 30 or more workers in order to constitute a trade union, prohibits foreign nationals from holding union offices, and requires 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 from forming labor unions. The law requires that an employer begin collective bargaining once workers establish a union, although public service employees are prohibited from collective bargaining. Collective bargaining agreements for private sector companies apply to union and nonunion employees.

The law prohibits labor federations and confederations from calling strikes and requires that a two-thirds majority of the total membership of a trade union approve a strike. The law prohibits workers from legally striking before they (1) attempt and fail to come to an agreement with their employer, and (2) go through Secretariat of Labor and Social Security (STSS) mediation. During the mediation companies sometimes failed to appoint a representative in order to draw out the process, thus in practice impeding the right to strike. In addition, it prohibits strikes in a wide range of economic activities that 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, including restrictions on certain public service employees from going on strike.

Workers in public health care, social security, staple food production, and public utilities (municipal sanitation, water, electricity, and telecommunications) are allowed to strike but must continue to provide basic services. The law also requires that public sector workers involved in the refining, transportation, and distribution of petroleum products must submit their grievances to the STSS prior to striking. Restrictions on strikes in such a broad range of sectors were considered

excessive by international standards. Workers in export processing zones and separate free zones for companies that provide services for industrial parks are permitted to strike under law. However, the law 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 dismiss the protesting workers. The International Labor Organization (ILO) continued to express concerns about the government's authority to end disputes in several sectors, including oil production and transport, because such provisions are vulnerable to abuse. It also noted with concern the law's requirement that employees in state-owned enterprises either obtain the government's previous authorization or give six months' notice before striking.

The STSS can reach administrative decisions and fine companies for unfair dismissal; the law permits fines of up to 5,000 lempiras (\$265) for a given violation. The ILO noted that penalties for such discrimination were inadequate and lacked credibility in the eyes of companies and municipalities. Inspectors must clear their fines through the Central Office of the General Inspectorate, which can add months to the period between an inspection and a fine being issued. Moreover, only a court can order reinstatement of workers, and the reinstatement process was unduly long.

Workers exercised the right to form and join unions and bargain collectively with difficulty, and the government failed to enforce applicable laws effectively. Unions noted that the length of time the STSS took to register unions impeded their ability to unionize. Some unions also alleged that the registry office often informed companies which workers were attempting to unionize, making it easier for companies to dismiss these workers before they were granted legal protection from firing. Unions are independent of the government but closely aligned with political parties.

Civil servants occasionally engaged in illegal work stoppages without experiencing reprisals. Teachers continued to hold strikes throughout the year to protest nonreceipt of back pay as well as proposed reforms to the public educational system, including changes to salary and pension benefits. Strikes between March 17 and April 1, which also involved anticoup protesters, were sometimes violent, and police used tear gas and water cannons in response to protesters who threw Molotov cocktails and rocks (see section 2.b.). The government engaged in a dialogue with a wide range of representatives of the education sector, including teachers' unions, to rewrite the education law, which was more than 40 years old.

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, which in practice lengthened and impeded the mediation process and right to strike. For instance, in some cases companies that agreed to bargain held meetings outside the country so that it was difficult for union members to attend.

Antiunion discrimination was a serious problem. The three major union federations and several civil society groups noted that, in cases where fines for violations were imposed, 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, including firing leaders soon after unions were formed to prevent the union from functioning. Failure to reinstate workers was a serious problem. Employers often ignored (with impunity) court orders requiring them to reinstate workers fired for engaging in union activity. However, after being fined 10,000 lempira (\$530) and under pressure from both the STSS and labor unions, in December the mayor of Choloma rehired 29 municipal employees whom he had fired in 2009 because of their attempt to unionize.

There was credible evidence that apparel assembly factory employers continued with impunity to blacklist employees seeking to form unions. Some companies also established employer-controlled unions, thereby preventing the formation of an independent union because of the restriction permitting only one union per company. Several companies in the country's 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

The law does not prohibit forced labor. There were anecdotal reports that forced labor occurred in both agriculture and domestic services.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

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 type of work that can be performed by minors up to age 18. Under the law all minors between the ages of 14 and 18 must be granted special permission from the STSS to work. The STSS is expected to perform a home study to ensure 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 offshore fishing. If permission is granted, children between the ages of 14 and 16 are not allowed to work more than four hours per day. Children between the ages of 16 and 18 are allowed to work no more than six hours per day. The law prohibits night work and overtime for minors under the age of 18. However, the STSS can grant special permission for minors between the ages of 16 and 18 to work in the evening if it does not affect their schooling. The labor code requires that employers with more than 20 school-age children working at their business facility provide a location for a school. The law provides for between three and five years in prison for persons violating child labor laws.

The government did not devote adequate resources or inspectors to monitor compliance with child labor laws. The STSS did not effectively enforce child labor laws outside the apparel assembly sector, and there were frequent violations. There was no known change to the practice of appointing child-labor inspectors only to STSS offices in Tegucigalpa and San Pedro Sula, which reportedly limited the agency's ability to investigate allegations of child labor, particularly in rural and other remote areas.

In practice the vast majority of children who worked did so without STSS permits, and the government failed to enforce child labor laws effectively. Children often harvested melons, coffee, and sugarcane; rummaged at garbage dumps; worked in the forestry, hunting, and fishing sectors; and worked as deckhands and divers in the lobster industry. Children 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 other family members in agriculture and other sectors, such as fishing, construction, transportation, and small business.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

On April 11, the STSS announced the minimum wage for the year, which was retroactive to January 1 and based on the number of employees and size of the company. Wages ranged from a low of 3,280 lempiras (\$175) per month to a high of 6,592 lempiras (\$350). For instance, a company with one to 10 employees working in agriculture was required to pay at least 4,368 lempiras (\$230) per month, while a company with more than 151 employees in the transportation industry was required to pay at least 6,533 lempiras (\$345) per month.

The law applies equally to national and foreign workers 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 provides for paid national holidays and annual leave. The law requires overtime payment for hours in excess of the standard, and there are prohibitions on excessive compulsory overtime. Civil society groups and unions reported that employers frequently ignored these regulations, especially in the fast food industry, because the STSS failed to enforce these requirements effectively.

The STSS is responsible for enforcing national occupational health and safety laws, but it did not do so consistently or effectively. The government did not allocate adequate resources for labor inspectors to perform their duties. The secretariat had 118 inspectors, who conducted 3,736 inspections during the year. The ILO reported that labor law violations discovered in textile factories during inspections were typically corrected, although the limited number of inspectors precluded comprehensive inspections of worksites. Because labor inspectors were 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. 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. There were credible allegations of corruption among labor inspectors, particularly in the North.

The law does not provide workers the right to leave a dangerous work situation without jeopardy to their continued employment. Worker safety standards were enforced poorly, particularly in the construction, garment assembly, and agriculture sectors.

In practice the minimum wage was rarely paid in the agricultural sector and seldom paid elsewhere. The STSS estimated that 68 percent of employers did not comply with the federal minimum wage. The law prohibits the practice of requiring workers to complete quotas before being allowed to leave. However, civil society

groups reported the government did not effectively enforce the law. 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. Workers were frequently denied benefits, including vacation pay and 13th- and 14th- month bonuses, and there were reports that both public and private sector employers failed to pay into the social security institute funds. In addition, unions and civil society groups reported that some employers used contract employees to avoid paying benefits due to full- and part-time employees.

The law does not protect domestic workers effectively. 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. Civil society organizations also reported that workers in cleaning services and the fast food industry were often obliged to work shifts of 12 or more hours. These household workers often lacked contracts and were paid salaries below the minimum wage. Since many lived in on-site housing, their work hours often 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, which violated labor law restrictions regarding maximum number of hours one may work.

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 3,000 lobster divers, many from the Misquito indigenous and other ethnic minority groups in Gracias a Dios Department. In contrast with prior years, the STSS conducted 30 inspections of lobster boats; however, it reportedly found no violations. In addition, the STSS opened a branch office in Gracias a Dios, a region that previously had no coverage.