



U.S. DEPARTMENT OF STATE
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U.S. DEPARTMENT OF STATE

2009 Human Rights Report: Honduras

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2009 Country Reports on Human Rights Practices](#)

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On June 28, the military forcibly removed and sent into exile President Jose Manuel Zelaya, and Congress President Roberto Micheletti Bain became the leader of a de facto regime. Until the June 28 coup d'etat (June coup), the country was a constitutional, multiparty democracy with a population of approximately eight million. The coup was preceded by months of political tension between the executive and other branches of government in relation to an executive proposal to hold a referendum on convening a constitutional assembly to consider reforms to the constitution. Although the coup was bloodless, subsequent related events resulted in the loss of life as well as limitations by the de facto regime on freedom of movement, association, expression, and assembly. On November 29, voters elected Porfirio "Pepe" Lobo of the National Party for a four-year term to the presidency, in elections that international observers considered to be generally free and fair. While civilian authorities generally maintained effective control of the security forces prior to the June coup, there were instances in which elements of the security forces acted independently of government authority.

The following human rights problems were reported: unlawful killings by members of the police and government agents; arbitrary and summary killings committed by vigilantes and former members of the security forces; harsh prison conditions; violence against detainees, and corruption and impunity within the security forces; lengthy pretrial detention and failure to provide due process of law; arbitrary detention and disproportionate use of force by security forces after the June coup; politicization, corruption, and institutional weakness of the judiciary; erosion of press freedom; corruption in the legislative and executive branches; limitations on freedom of movement and association; government restrictions on recognition of some nongovernmental organizations (NGOs); violence and discrimination against women; child prostitution and abuse; trafficking in persons; discrimination against indigenous communities; violence and discrimination against persons based on sexual orientation; ineffective enforcement of labor laws; and child labor.

During the political crisis following the June coup, demonstrations occurred throughout the country. Curfews were arbitrarily implemented during which security forces employed disproportionate use of force, resulting in some cases of loss of life and acts of vandalism by protestors. The de facto regime also limited freedom of assembly and restricted freedom of the press. Most notably, on July 1, September 26, and October 5, the de facto regime enacted decrees that suspended the constitution during curfew hours and placed substantial restrictions on freedom of expression, assembly, and association.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Prior to the June coup, there were reports that the government or its agents committed arbitrary or *unlawful* killings, particularly of youths and children by vigilante groups that may have included members of the security forces. Following the June coup, there were reports that the de facto regime or its agents committed arbitrary or unlawful killings.

The Office of the Special Prosecutor for Human Rights reported that between January and November, it received 63 complaints of killings in which police or military were allegedly involved. The office pressed charges in some cases. The government has a Special Unit of Investigation of Child Murders, but the investigative process seldom identified perpetrators.

Casa Alianza reported through December the killings of 159 minors under age 18 and of 468 youths between the ages of 19 and 22, compared with 128 and 416 respectively during 2008. Casa Alianza reported that more than 50 percent of the killings were committed by unknown assailants, and a smaller number were attributed to private security forces, government agents, and gang violence.

Throughout the year several groups and families of juvenile victims claimed to have provided public prosecutors with evidence of collusion between police elements and business leaders in perpetrating killings. While observers linked some killings of high-profile targets, such as environmentalists, labor leaders, attorneys, and politicians, to organized crime and narcotics traffickers; other cases appeared politically motivated.

The following were among the killings reported prior to the June coup:

On January 18, unknown actors shot and killed Marlene Suyapa Gavarrete in Rubi de Choloma during the robbery of a convenience store. Gavarrete had been defense counsel in court cases involving gang members. An investigation continued at year's end.

On January 24, unknown assailants allegedly carjacked and fatally shot Rodrigo Eugenio Valladares Pineda, son of former human rights commissioner Leo Rodrigo Valladares Lanza, as well as Edmund Jeffry Trochez and Isaiah Nahum Bonilla Escobar. On January 31, police arrested Norman Gilberto Reyes, an alleged member of a carjacking gang. At year's end Reyes was awaiting trial.

On February 13, unknown assailants shot and killed Marco Tulio Velasquez in Santa Rosa de Copan. Tulio was a National Party congressional candidate from Copan Department. At year's end an investigation continued.

On February 28, unknown assailants fatally shot environmentalist Jose Miguel Pagoada Tercero while he was working on land he had helped reforest in the Hato de Enmedio community. At year's end an investigation was proceeding.

On March 7, unknown assailants fatally shot in San Pedro Sula Liberal Party congressional candidate Oscar Heberto Mejia Villafranca, who was an advisor to the mayor of San Pedro Sula. At year's end an investigation continued.

On March 22, two unknown persons fatally shot land-rights activist Miguel Angel Reyes in Cofradia. On April 27, Juan Angel Rivera Gonzalez, also a land-rights activist from Cofradia, was shot and killed by unknown persons. Authorities arrested Adan Rodriguez Cabrera for the killing of Rivera, and an investigation continued at year's end.

On April 15, unknown gunmen fatally shot Odilio Acosta and Santos Aguilar of the Campesino Movement of Rigores in Trujillo, Colon. Acosta and Aguilar had been involved in a land dispute. At year's end there was no information available regarding an investigation of this incident.

On June 3, several persons, allegedly impersonating police by wearing police uniforms, fatally shot Andres Reyes, Marlon Javier Turcios, Heber Rendon, Felix Omar Mayorquin, Dagner Canales, Santos Sabillon, Carlos Villatoro, Allan Belis, and Harry Plama in Saba, Colon Department. The nine victims were employees of landowner Miguel Reyes. Police reported that the incident may have been linked to drug trafficking. An investigation continued at year's end.

The following cases were reportedly connected with political unrest related to the June coup:

On July 5, unknown assailants fatally shot Isis Obed Murillo during an anticoup demonstration at Toncontin Airport. Human rights NGOs alleged the bullet that killed Murillo was of the same caliber the military used. At year's end the Public Ministry was conducting an investigation and had requested that the military provide those firearms carried at the airport on July 5. The military reportedly refused to comply with this request.

On August 1, Roger Vallejo died of gunshot injuries he received during a July 30 anticoup demonstration in Tegucigalpa. At year's end the Office of the Special Prosecutor for Human Rights was investigating the incident.

An Inter-American Commission on Human Rights (IACHR) delegation that visited the country between August 17 and 21 to assess the human rights situation, received a complaint that on August 2, a military official fatally shot in the head Pedro Pablo Hernandez at a military roadblock during curfew hours in Jamastran. The military later detained the officer suspected in the shooting. An investigation by the Office of the Special Prosecutor for Human Rights was pending at year's end.

On September 22, during a curfew in San Pedro Sula, police officer Denis Omar Montoya reportedly shot and killed 19-year-old Jacobo Perdomo, who was unarmed and riding his bicycle and failed to obey Montoya's order to stop. Authorities issued an order for Montoya's arrest. At year's end Montoya remained at large and an investigation continued.

On September 22, unknown assailants on a motorcycle reportedly shot Jairo Sanchez, president of the workers' union at the Institute of Professional Formation, during an anticoup protest in Tegucigalpa. On October 17, Sanchez died from injuries he sustained during the shooting. At year's end authorities were conducting an investigation.

On September 23, the National Investigative Police confirmed that unknown persons fatally shot Francisco Moncada Alvarado during a police break-up of an anticoup demonstration in the Flor de Campo neighborhood in Tegucigalpa. At year's end an investigation was proceeding.

On November 27, unknown assailants reportedly shot at the automobile of Angel Salgado when he drove through a military roadblock in Tegucigalpa. Salgado suffered a head wound as a result of the shooting, lost control of the vehicle, and seriously injured a bystander. Witnesses reported that members of the security forces removed all evidence immediately after the incident. Unknown persons brought Salgado to Teaching Hospital in Tegucigalpa, where he died of his injuries. At year's end there was no information about any investigation of the case.

The following cases originated before 2009:

In January police announced that the youth gang responsible for the April 2008 killing of labor leader Altagracia Fuentes (see section 7.a.) also committed the November 2008 killing of Mario Fernando Hernandez Bonilla, a Liberal Party congressional deputy and a congressional vice president. On January 19, authorities issued arrest warrants for four members of the gang in relation to the killings. At year's end the suspects remained at large.

There were no known developments in relation to the August 2008 killing of 11 persons involved in a land dispute between relatives of police official Henry Osortes and the Aguan Campesino Movement (MCA).

At year's end authorities arrested Julio Cesar Galan Rodriguez for the June 2008 killing in Trujillo of Irene Ramirez, a member of the MCA.

There were no new developments, and none were expected, in the investigation into the July 2008 killing of Shamir Guifarro Ramirez, Henry Arturo Chacon, and Nelda Ochoa--the son, father-in-law, and mother-in-law, respectively, of environmentalist Mario Guifarro, who was killed in 2007.

In March police arrested Amilcar Antonio Hernandez for the October 2008 killing of land-rights activist and community leader Elias Murcia. At year's end Hernandez was in prison and awaiting trial. There was no further information regarding the status of the cases of Fredi Osorto and Ubence Aguilar, who were killed with Elias Murcia in October 2008.

There were no developments in the investigation of the November 2008 killing of Danilo Edgardo Castro Hernandez, La Lima vice mayoral candidate, or the November 2008 killing of Julio Cesar Padilla, Liberal Party mayoral candidate for Morazan. There were no new developments, and none were expected, regarding the 2007 killing of Garifuna leader Felix Ordonez Suaze in Punta Piedras, Colon Department.

There were no further developments, and none were expected, regarding an investigation of the 2007 killing of Regional Red Cross president Jose Raul Carranza Soto in Puerto Cortes. Carlos Alberto Navas Gonzalez, the only known suspect, remained in prison on a separate conviction.

At year's end four police officers, who were awaiting trial for the 2006 killing of environmentalists Heraldo Zuniga and Roger Murillo, remained at large after escaping from prison in 2008.

At year's end the prosecutor was considering appealing a court's decision to acquit Italo Ivan Lemus Santos for the 1998 killing of environmentalist Carlos Luna.

On February 4, the Supreme Court sentenced Efrain Ordóñez to 32 years in prison for the 1997 kidnapping and murder of Ricardo Ernesto Maduro Andreu.

On May 6, the Inter-American Court of Human Rights found the government responsible for the 1995 murder in Tela of environmental activist Blanca Jeanette Kawas Fernández. The court ordered the government to pay the Kawas family reparations of \$105,000 in U.S. currency within one year of the ruling. The court also ordered that within two years of the ruling the government conduct a national campaign to create awareness and sensitivity regarding the importance of environmentalists' work and their contribution to the protection of human rights. At year's end the government had not responded to the court's ruling.

On May 8, the Office of the Forensic Medicine Department of the Honduran National Police (HNP) discovered the remains of Edwin Palacios, who was kidnapped in 2007. On June 18, inmates Elmer Orellano and Alexander Reyes, charged with murdering Palacios, along with two gang member inmates, escaped from a San Pedro Sula prison where they were incarcerated. At year's end Orellano, Reyes, and the two other escaped prisoners remained at large.

Violent crime continued to fuel the growth of private unlicensed security guard services and vigilante groups that allegedly patrolled neighborhoods and municipalities to deter crime. Human rights organizations asserted that some citizen security councils (neighborhood protection groups), as well as private security companies, with ties to former and current military or police officials, acted with the complicity of police as vigilantes or death squads to use lethal force against supposed habitual criminals.

b. Disappearance

There were reports of politically motivated and other disappearances. Some disappearances, including those involving disappearances of minors, were thought to be criminally motivated abductions, and others were attributed to voluntary acts of persons leaving the country for employment elsewhere or to escape death threats. Police reported investigating 111 cases of kidnapping during the year.

On March 31, the government announced 13 measures to combat kidnapping for ransom, including blocking cell phone calls from jails as a means to stop criminal gang inmates from arranging kidnappings. At year's end a cell phone blocking program operated at the Dr. Marco A. Soto National Penitentiary.

On March 15, unknown actors kidnapped Bernardo Rivera Paz, a retired journalist and former Liberal Party deputy. On July 9, authorities found his remains in Florida, Copán Department. At year's end an investigation continued.

There were no known developments in the October 2008 disappearance of José Alfredo Guevara, Carlos Lazo, and Hector Herrera.

On September 1, the Public Ministry reported that officers at the La Lima, Cortes police station had used for almost one year, without informing their superiors, a vehicle belonging to public defender Juan Bautista Vargas, who disappeared in 2008. At year's end Vargas' whereabouts were unknown.

The National Reparations Program, created by government decree in 2008, did not operate during the year due to court-granted injunctions initiated by private parties questioning the program's legality, particularly in relation to proposed reparations payments for human rights violations to Berta Oliva, president of the NGO Committee of the Family of Detained and Disappeared in Honduras (COFADEH), and Ppresidential Advisor Milton Jiménez.

On May 19, a judge ordered the former head of Battalion 3-16, Alexander Hernández, to house arrest pending further investigation into his alleged involvement in the 1983 disappearance of Nelson Mackey. On July 2, a court granted without explanation early release for former army lieutenant Wilfredo Leva Cabrera in relation to his sentence of 80-years' imprisonment for several crimes, including the murder of Mackey.

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 and political protestors.

There were allegations of nonlethal abuse of force and serious physical assaults by the police and military against anticoup protestors in connection with the political conflict following the June coup.

The following are representative examples of these allegations:

The IACHR delegation reported receiving complaints from more than 100 persons alleging that during anticoup demonstrations, police used disproportionate force resulting in physical injuries to protestors. The HNP reported receiving between June 29 and August 15, 31 complaints of persons injured by police during political demonstrations.

The Office of the Special Prosecutor for Human Rights in San Pedro Sula reported filing charges between June 28 and October 11 against 13 police officers in four cases involving unlawful detention and physical abuse of anticoup protestors. Authorities issued an arrest warrant for police officer Delmi Yamileth Martinez for aggravated illegal detention and torture for allegedly using pepper spray and threatening to kill anticoup demonstrator Antonia Coello on August 12, in San Pedro Sula. At year's end an investigation continued, and Martinez was at large.

On July 30, police struck with a baton independent presidential candidate Carlos H. Reyes during an anticoup political demonstration in Tegucigalpa. Reyes fell 15 feet over a retaining wall and suffered a broken arm. At year's end there was no information available regarding an investigation of the incident.

On August 14, four police officers reportedly raped a woman in a remote location after detaining her for participating in an anticoup political demonstration that same day in Choloma, Cortes Department. The victim alleged that at least one of the officers stated that she was "getting what she deserved" for participating in something in which she should not have been involved. At year's end the Office of the Special Prosecutor for Human Rights in San Pedro Sula was investigating the incident.

On October 7, a member of the security forces reportedly beat on the head, kicked, and shot and injured with rubber bullets 18-year-old Garifuna Luis Norales during an anticoup political demonstration in Tegucigalpa. After hospital treatment for his injuries, Norales filed a complaint with COFADEH. At year's end there was no information regarding an investigation by authorities concerning the matter.

The following cases began before 2009:

On September 9, a court found Marvin Javier Martinez Bermudez and Jose Santiago Lopez Villalobo guilty of murder in the 2007 killing of Judge Alba Leticia Bueso. At year's end Martinez Bermudez and Lopez Villalobo remained in custody pending sentencing. There was no further information regarding the whereabouts of the other two suspects, Ruben Antonio Pineda Hernandez and Olvin Alexander Lopez Moreno, who remained at large.

At year's end one police officer had been charged for unlawful detention and was awaiting trial in the 2007 case against five police officers for torture and illegal detention of several members of the NGO Lesbian-Gay Rainbow Association of Comayaguela.

Prison and Detention Center Conditions

Prison conditions were harsh, and prison security was poor. However, there were some improvements. Human rights groups reported that prisoners suffered from severe overcrowding, malnutrition, and lack of adequate sanitation. The ready access of prisoners to weapons and other contraband, impunity for inmate attacks against 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.

Prisoners were subject to various abuses, including rape by other inmates. Authorities did not provide adequate food or other basic necessities. Prisoners continued to escape through bribery or other means. Human rights organizations reported that prisoners were tortured or otherwise abused in, or on their way to, prisons and other detention facilities.

Prison disturbances, primarily due to harsh conditions and intergang violence, occurred in the larger facilities of San Pedro Sula, Tamara, and Choluteca. Between January and September, 30 prisoners had reportedly been killed while incarcerated, in most cases due to rival gang violence.

Prison authorities attempted to hold prisoners from rival gangs in different facilities or in different areas of the same prison to reduce intergang violence, as well as violence against nongang inmates.

Persons with mental illnesses, as well as those with tuberculosis and other infectious diseases, were held among the general prison population. Human rights organizations charged that prison officials used excessive force against prisoners, including beatings, as well as isolation and threats. There were credible reports that security officials condoned rapes and other physical assaults on homosexual detainees.

On January 19, the Office of the Special Prosecutor for Human Rights asked the Supreme Court for a writ of habeas corpus on behalf of women detained at the National Women's Penitentiary of Social Adaptation, based on assertions that prison officials engaged in inhumane conduct when punishing inmates. The court denied the request for a writ, based on a lack of evidence.

On March 27, authorities charged former prison directors Leonel Ramos Andino and Luis Trochez Pineda with abuse of authority relating to a 2007 incident in which Andino and Trochez Pineda reportedly authorized extended permission for prisoners to leave the Marco Aurelio Soto National Penitentiary. At year's end there were no developments regarding the case.

On April 20, prisoners exploded a grenade at the Marco Aurelio Soto National Penitentiary, killing three inmates and injuring 16 others. At year's end there were no developments regarding the case.

Several prison officials, including Wilfredo Maradiaga Oseguera and Aldo Rodolfo Oliva Rodriguez, were under investigation for abusing their authority and permitting prisoners illegal furlough privileges. At year's end there were no developments regarding the investigation.

There was one juvenile prison in Tamara that operated under the supervision of the Honduran Institute of the Child and Family. During the year the Tamara facility held 76 male and 21 female juvenile inmates.

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 age two were permitted to stay with their mothers in prison. Pretrial detainees generally were held together with convicted prisoners. Minors were sometimes held together with adults.

Prison overcrowding remained a problem. Judges tended to place minors in detention centers in the absence of other educational or reform programs. The government generally permitted prison visits by independent local and international human rights observers, and such visits occurred during the year. The International Committee of the Red Cross (ICRC) visited prisons and jails during the year. These visits were in accordance with ICRC standard procedures and practices.

In 2008 the Ministry of Security undertook a major prison reform program involving the construction of new facilities to reduce overcrowding, separate the most dangerous prisoners from nonviolent offenders, and promote rehabilitation. Authorities moved 400 prisoners from a 90-inmate capacity facility into a new prison in Julticalpa, Olancho, which had a 600-inmate capacity. The Office of the Director of the National Women's Penitentiary developed in 2008 a modern inmate classification and evaluation system and used NGO support for rehabilitation and education programs. The reforms reportedly reduced violence within the women's 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. At times police arrested persons based on factors such as forms of dress, types of tattoos, and political beliefs. There were allegations of arbitrary arrest and detention in connection with the June coup. Between June 28 and October, the Office of the Special Prosecutor for Human Rights in San Pedro Sula filed charges against police officers in four cases involving unlawful detention, abuse, and in one case, torture.

On June 30, the de facto regime instituted decree 011-2009, which establishes curfew hours; substantially restricted freedom of assembly, association, and movement; and permits police to arrest and detain for 24 hours persons found in public places and to search homes without warrants. On September 26, the de facto regime enacted decree 016-2009, which substantially restricts freedom of expression, assembly, and movement. On October 17, the de facto regime abrogated decree 016-2009. Decree 011-2009 remained in force at year's end.

During its August 17-21 visit, the IACHR delegation found a number of human rights abuses, including a pattern of disproportionate use of force by government security forces and arbitrary detentions. The delegation reported receiving information asserting that between June 28 and August 21, the security forces arbitrarily detained between 3,500 and 4,000 persons during anticoup demonstrations. The HNP reported that between June 29 and August 15, it arrested 213 persons for crimes committed during political demonstrations and that 37 of those arrested were indicted for various offenses, including sedition, terrorism, illicit demonstration, and vandalism.

The HNP reported that between June 29 and August 1, it arrested 3,430 persons for curfew violations. Although some persons were charged with acts of vandalism, in many cases security forces reportedly did not provide due process and arrested persons without probable cause. Amnesty International and other human rights organizations reported that some arresting officers told detainees that they had been arrested and detained for their political views.

On September 11, authorities arrested in La Ceiba and charged with sedition congressional candidate Rene Chavez, reportedly for participating in anticoup protests. A few days later a judge dropped all charges and released Chavez.

On September 22, security forces reportedly arrested approximately 150 anticoup protestors near the Embassy of Brazil for violating a curfew and detained them at the Chochi Sosa stadium in Tegucigalpa. However, police records did not indicate that any of the persons detained at the stadium had been formally arrested, and all 150 detainees were released within 24 hours of their arrest.

There were no further developments in the investigation of the September 2008 unlawful detention of Mario Alvarez, Nelson Alvarez, Heliodoro Amador, and Alonso Andino, land-rights activists with the Union and Strength Campesino Association in the

town of Suntule, Francisco Morazan Department.

Role of the Police and Security Apparatus

The Ministry of Security oversees police operations, including those of the HNP, Criminal Investigation Division (DGIC), Transit Police, Frontier Police, Tourist Police, and Prison Police. Corruption and impunity were serious problems within the security forces.

The Office of Internal Affairs in the Ministry of Security (IA) is charged with investigating allegations of illegal activities committed by members of the police. However, the IA's effectiveness in vetting officers was substantially impeded following the June coup. The HNP and the DGIC each have an office of professional responsibility that conducts internal reviews of police misconduct.

On July 23, the de facto regime implemented executive decree 001-2009, which remained in effect at year's end, that requires the Ministry of Defense and the army and all its personnel and resources to assist the HNP to prevent, control, and fight against crime, including detaining protesters committing illegal acts, as determined and ordered by either a prosecutor or judge with the intention of protecting individuals and property. The Public Ministry had difficulty investigating security force abuses because in many cases, police were tasked with investigating crimes committed by fellow officers.

At year's end there was no information regarding any investigation of a September 2008 incident during which two plainclothes police officers, who had infiltrated an Autonomous National University of Honduras union meeting, were carrying a list of civil society leaders identified as "dangerous." The list included the crossed-out name of slain labor leader Altagracia Fuentes with the written word "dead" next to her name (see section 7.a.).

During the year the National Police Academy provided 60 hours of human rights training to all active police officers. Before the June coup, the Ministry of Security coordinated with civil society groups to train police and prison officials on human rights. There was no information available regarding police training following the June coup.

Gang violence and intimidation, notably on public transport, remained serious problems and led the government to station security officers on many public buses. Sometimes police lethally targeted youth and minors, often with impunity.

Arrest Procedures and Treatment While in Detention

Prior to the June coup, the law provided that police could arrest a person only with a court order, unless the arrest is by order of a prosecutor, made during the commission of a crime, made when there is strong suspicion that a person has committed a crime and may try to evade criminal prosecution, or made when the person is caught with evidence related to a crime. The law prior to the coup required police to inform a person of the grounds for arrest and bring a detainee before a competent authority within 24 hours. The prosecutor had 24 hours to decide if there was probable cause for an indictment, and a judge then had 24 hours to decide whether to issue a temporary detention order that could last up to six days, by which time the judge had to hold a pretrial hearing to examine probable cause and make a decision on whether pretrial detention should continue. The law provided for bail for persons charged with felonies and the right of prisoners to prompt access to family members. Although the law also provided for prisoners to have the right of prompt access to a lawyer of their choice and, if indigent, to state-provided counsel, these requirements were not always followed.

On June 30, the de facto regime enacted decree 011-2009 that suspends a number of civil rights during curfew hours and permits police to arrest and hold for 24 hours persons found in public places after curfew. On September 26, the de facto regime enacted decree 016-2009 permitting detention of persons who violated curfews or whom the police and military suspected had injured persons, damaged property, or joined together to plan unlawful activities (see section 1.d.).

Lengthy pretrial detention was a serious problem. The law mandates the release from prison of any detainee whose case has not come to trial and whose time in detention exceeds the maximum prison sentence for the crime of which he is accused.

Judicial inefficiency and corruption and lack of sufficient resources delayed proceedings in the criminal justice system.

As a result of trial delays, many pretrial detainees already had served time in prison equivalent to the maximum allowable for the crime for which they were accused. Many prisoners remained in jail after being acquitted or having completed their sentences due to the failure of officials to process their releases.

e. Denial of Fair Public Trial

Although the constitution and the 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 in the outcomes of court proceedings.

The criminal court system is made up of 12 appeals courts, 77 courts of first instance with general jurisdiction, and 330 justice of the peace courts with limited jurisdiction. The Supreme Court of Justice names all lower court judges.

Judges allegedly were subject to administrative punishment, including loss of pay, and changes in position due to their political beliefs and legal decisions. On August 16, Tegucigalpa criminal court judge Maritza Arita reported that her supervisors ordered her to take 15 days of unrequested paid vacation after she provisionally released three demonstrators who had been arrested on charges of vandalism and terrorism during an August 11 anticoup demonstration. In September authorities transferred Arita to work at a civil court, and she reportedly received death threats in relation to her August provisional release decision.

Trial Procedures

The law provides for the right to a fair public trial, permits defendants to confront or question witnesses, present witnesses and evidence on their behalf, and provides defendants access to government-held evidence relevant to their cases. Although the law recognizes that the accused is presumed innocent and has the right to an initial hearing by a judge, to bail, to consult with legal counsel in a timely manner, to have a lawyer provided by the state if necessary, and a right to appeal, these rights frequently were not observed.

Although the law prohibits cases from proceeding where a suspect lacks legal representation, the government allocated minimal resources to the prosecutors. As a result the public defender was not able to meet the demand for legal assistance to those unable to afford representation.

Throughout the year 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.

On June 28, military officials and police executed a Supreme Court-issued sealed arrest warrant against President Zelaya, ordering the president to be detained and placed before a judge. However, the military forcibly placed the president on an aircraft and flew him into exile without the right to a public trial or self defense. On June 29, the de facto regime forcibly removed from the country Foreign Minister Patricia Rodas (see section 2.d.).

Political Prisoners and Detainees

There were reports of arbitrary detentions for political reasons following the June coup. At year's end there was no information regarding the number of political detainees or whether the de facto regime permitted access to such persons on a regular basis by international humanitarian organizations.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, including access to a court to seek damages for a cessation of a human rights violation. A litigant can bring such charges when the criminal court determines that damages may be sought.

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 the event of an emergency or to prevent the commission of a crime. There continued to be credible charges that police occasionally failed to obtain the required authorization before entering a private home.

On June 30, the de facto regime enacted decree 011-2009, which permits police to search homes without warrants during curfews, and on September 26 enacted decree 016-2009, which also limited the right to privacy (see section 1.d.).

On July 13, Liberal Party Congresswoman Margarita Zelaya reported that military officers entered her home without a search warrant. Zelaya alleged that the de facto regime undertook this action to intimidate her because she was the cousin of President Zelaya. At year's end there were no further developments regarding an investigation.

Garifuna 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 who 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

The constitution and the law generally provide for freedom of speech and of the press. However, particularly following the June

coup, there were reports of government intimidation of journalists, government takeovers of television transmission frequencies, and journalistic self-censorship.

Following the June coup, the de facto regime used decrees and other measures to restrict freedom of expression. The IACHR reported that through these measures the de facto regime engaged in serious restrictions on freedom of expression, which generated an atmosphere of intimidation. Although there were no reports that international media were prohibited from operating freely, international news channels using cable service providers experienced transmission interruptions following the June coup, particularly when broadcasting communications by President Zelaya or members of his administration.

A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the country's news media. The government and, following the June coup, the de facto regime influenced media coverage by granting or denying access to government officials, which linked the media to the political system and increased the influence of newspaper owners on the news agenda and political decisions.

On February 1, police detained *La Tribuna* newspaper reporter Martin Ramirez after he took photographs at the scene of an automobile accident. On May 27, a judge issued arrest warrants and charged officers Dora Elvira Rivera Zuniga, Leonardo Rerrufino, and Walter Castellanos of DGIC with illegal detention and abuse of authority for detaining Ramirez. The three officers were later released on bail and at year's end were awaiting trial.

On March 31, unknown actors in San Pedro Sula fatally shot Radio Cadena Voces correspondent Rafael Munguia while he was in his automobile. Human rights organizations alleged that he was killed for his reporting on gangs and organized crime. At year's end an investigation continued.

On April 12, unknown gunmen attempted to kill reporter and owner of television station Telemaya Channel 12 Carlos Roberto Chinchilla near San Nicolas, Copan. In 2008 masked gunmen made death threats against Chinchilla and his cameraman, Marlon Dubon, warning them to leave San Nicholas or be killed. At year's end an investigation continued.

Following the June coup, there were violent acts and other forms of intimidation against media outlets and journalists, including the following:

On June 28, the military entered the offices of Cable Color, Channel 8, television stations Channel 11 and Channel 36, and radio stations Radio Progreso and Radio Globo and censored or blocked their transmissions. Most of these stations were able to resume broadcasting within three or four days. Unknown actors made threats against Radio Globo, and on August 23, masked individuals poured a corrosive chemical on the transmission equipment of Radio Globo and Channel 36. On September 28, the de facto regime closed Radio Globo and Channel 36, pursuant to decree 016-2009 restricting freedom of expression and other civil liberties. The security forces confiscated and damaged transmission and other equipment at both stations. Radio Globo and Channel 36 were allowed to reopen on October 17, after the de facto regime abrogated decree 016-2009 (see section 1.d.). A Public Ministry investigation regarding the legality of the decree and the security force's actions against Radio Globo was pending at year's end.

On June 30, unknown actors threw a grenade at the offices of Radio America in Tegucigalpa. On July 8 and 16 and August 31, unknown actors cut Radio America transmission wires in Tegucigalpa, Marcala, and Olanchito.

On July 3, two masked assailants in Atlantida Department fatally shot radio journalist Gabriel Fino Noriega. On July 22, the Office of the National Commissioner for Human Rights reported that the killing was not related to political unrest arising out of the coup. Human rights NGOs alleged, however, that prior to his killing Fino received death threats for covering anticoup activities. The Office of the Special Prosecutor for Human Rights was conducting an investigation at year's end.

On July 4, unknown actors threw grenades at the office of Channel 11 and the national newspaper *El Tiempo* in San Pedro Sula. On July 5 and September 12, unknown perpetrators threw incendiary devices at the offices of Channel 11. On November 4, unknown actors threw a hand grenade onto the roof of the Honduran Radio Network building in Tegucigalpa. One journalist was injured by the explosion.

In July Carlos Mauricio Flores, an editor for *El Heraldo* newspaper, which disseminated reports supporting the de facto regime, received a death threat via text message. On August 15, unidentified perpetrators attacked with five molotov cocktails the Tegucigalpa office of *El Heraldo*. There was no information available regarding any investigations of these incidents.

On October 5, the de facto regime published executive agreement 124-2009, which permits the National Telecommunications Commission (CONATEL) to revoke or cancel the permits or licenses for media that broadcast messages that defend national hate, damage to property, or social anarchy against the democratic state. At year's end decree 124-2009 remained in force.

On December 5, two masked persons entered an Internet cafe where *El Libertador* newspaper was operating temporarily in Tegucigalpa, threatened employees with firearms, and took a computer and camera. There was no information available about an investigation of this incident.

On December 9, the IACHR expressed "deep concern regarding the constant interferences against the transmission" of Channel 36 during its main news program, noting it was the sixth occasion the commission had publicly complained about "different attacks against journalists and media outlets" in the country.

On December 15, unknown assailants shot at the automobile of pro-coup television journalist Karol Cabrera, killing her 16-year-old pregnant daughter Catherine, who was a passenger, and Catherine's unborn child. At year's end authorities were conducting an investigation of the incident.

On December 15, the Special Prosecutor for Human Rights filed an indictment with the Supreme Court to bring charges against de facto regime head of CONATEL Miguel Rodas and others for abuse of authority in relation to the September 28 forced closure of Channel 36 and Radio Globo. At year's end the case was proceeding. Channel 36 continued to experience unknown signal interference for the remainder of the year.

Before the June coup, the government gave substantial sums of money to selected members of the media who covered their stories in the manner they requested. The de facto regime reportedly continued this practice. The government exerted considerable influence on the print media through granting or withholding publicly funded official advertisements.

The news media continued to suffer from venality, politicization, and outside influence. According to NGOs, high-ranking officials obtained press silence through hiring journalists as public affairs assistants at high salaries and paid journalists to investigate or suppress news stories.

Some media members claimed that when they attempted to report in depth on national politicians or official corruption, they were occasionally denied access to information by the government and, after the June coup, the de facto regime.

On June 9, a court released German David Almandarez, citing insufficient evidence after he served 11 months in prison for the 2007 killing of Radio Cadena Voces journalist Carlos Salgado.

On February 12, a court sentenced Walter Urbina and Edgardo Zuniga Salgado to 17 years in prison for their role in the 2001 death of journalist Aristides Soto.

Internet Freedom

Prior to the June coup, there were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. In general individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Following the June coup, media outlet Radio Globo reported that its Web site was taken offline on a number of occasions. There were approximately nine Internet users per 1,000 inhabitants, and lack of infrastructure in rural areas greatly limited access for many persons.

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, which the government of President Zelaya generally respected.

The de facto regime issued decrees 011-2009 and 016-2009, with the effect of substantially restricting the right of peaceful assembly, association, and movement (see section 1.d.). International human rights organizations asserted that both decrees violated the constitution.

Although most political protests following the June coup were reportedly peaceful, some protests ended violently. The HNP stated that between June 29 and August 15, 11 police officers and 18 members of the military were injured due to confrontations with anticoup demonstrators. Demonstrations involved rock throwing, burning of tires, and vandalism of businesses. Other general violence following the June coup included the detonation of small explosive devices at the bar association, and the headquarters of the Liberal Party and the pro-Zelaya Popular Bloque movement.

There were a number of reported cases where the de facto regime used excessive force to impede freedom of peaceful assembly. For example, NGOs alleged that during a July 24 anticoup demonstration at the Las Manos border crossing, security forces used disproportionate force to quash the protest. Herman Valladares reported to the IACHR delegation that police physically assaulted him while he was protesting peacefully at the Las Manos demonstration. At year's end there were no further developments regarding an investigation.

On August 12, anticoup protesters kicked, pushed to the ground, and verbally assaulted pro-coup Third Vice President of the National Congress Ramon Velasquez Nazar as he exited the Congress. During subsequent clashes between police and demonstrations that same day, anticoup Congressman Marvin Ponce's suffered a broken arm.

On September 21, HNP and military forces reportedly injured 30 demonstrators while removing with force between 500 and 1,000 anticoup protesters in front of the Embassy of Brazil in Tegucigalpa, where President Zelaya had taken refuge. On September 22, the IACHR stated that it "strongly condemns the excessive use of force in the repression of protests" that occurred near the embassy.

Freedom of Association

The constitution and the law generally provided for freedom of association, and prior to the June coup the government of President Zelaya generally respected this right in practice. The criminal association law, however, prohibits illicit association and prescribes prison terms of three to 12 years. For several years, human rights organizations continued to criticize the law and its implementation as an undue restriction on the right to associate freely. Gay-rights advocacy groups expressed concerns that the law could be used to criminalize social activities and organizations of the sexual minority community. The government used criminal code reforms outlawing illicit association to arrest and take land away from suspected gang members, farmers, and persons from indigenous communities.

Decree 011-2009 suspends freedom of association under penalty of arrest during curfew hours. Decree 016-2009, implemented on September 17, placed severe restrictions on freedom of assembly (see section 1.d.).

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. The government requires foreign missionaries to obtain entry and residence permits.

Societal Abuses and Discrimination

There were reports of discrimination or violence against religious groups, including anti-Semitic acts. On July 4, Roman Catholic Cardinal Oscar Rodriguez reported that after publicly suggesting that the June coup was a constitutional transfer of power, unknown actors made threats against his life and threatened to burn down the cathedral in Tegucigalpa. Demonstrators painted political graffiti on the walls of church property. Auxiliary Bishop Juan Jose Pineda Fasquelle reported that after the Catholic Bishops Conference issued a July 4 pastoral letter regarding the June coup, unknown actors made 47 death threats against him.

On September 25, journalist David Romero asserted on a Radio Globo transmission that Israel and the Jews had supported the coup and that Hitler should have been allowed to "finish his historic vision." Romero later told media that his comments were in error, that they did not reflect his actual views, and that his grandfather was Jewish. Radio Globo owner Alejandro Villatoro stated that he would not take action against Romero in relation to the anti-Semitic statements because there was no law to punish those comments. President Zelaya issued a public statement that he respected all religions. The de facto regime did not make a statement regarding Romero's comments. In response to concerns about the safety of their members, the Jewish community, which numbered approximately 1,000 persons, constructed a protection wall around the San Pedro Sula synagogue.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

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 de facto regime implemented several decrees that limited movement within the country.

Prior to the June coup, the government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of interest. There was no information available about the de facto regime's cooperation with the UNHCR.

The constitution prohibits forced exile. On June 28, the military removed President Zelaya from his home and forced him into exile in Costa Rica. On June 29, the military forced Foreign Minister Patricia Rodas to board an aircraft and transported her to exile in Mexico.

On July 5, President Zelaya attempted to return to the country by aircraft; however, the military placed obstacles on the runway at Toncontin Airport and prevented his landing.

On July 24, the military set up approximately 20 checkpoints between the city of El Paraiso and the Las Manos border crossing into Nicaragua and reportedly prohibited demonstrators from leaving the border area during a 24 hour curfew.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol. Its laws provide for the granting of asylum or refugee status, and prior to the June coup, the government had established a system for providing protection to refugees. In practice the government of President Zelaya provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion.

At year's end there was no information available regarding the government detention in November 2008 of eight South African citizens holding false passports, who later filed for asylum.

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

The constitution and law provide citizens with the right to change their government peacefully. Prior to the June coup, 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. On June 28, the military and police executed a Supreme Court-issued sealed arrest warrant against President Zelaya, ordering the president to be detained. Military officials and police forcibly placed the president on an aircraft and flew him into exile without the right to a public trial or right to self defense. On June 28, the Congress named Congress President Roberto Micheletti as the new leader of the country. The action in Congress was based on a resignation letter by President Zelaya that he denied signing.

Elections and Political Participation

On November 29, voters elected Porfirio Lobo of the National Party for a four-year presidential term, in elections that were considered by international observers to be generally free and fair. Security forces broke up an anticoup protest on November 29, but there were no reports of widespread violence or that voters were unable to cast ballots or intimidated.

There were some reported instances of violence in the weeks leading up to the November elections. For example, on September 6, security forces reported that a number of persons were detained or injured during a protest at a public appearance by liberal party presidential candidate Elvin Santos. However, presidential candidates generally were able to campaign freely.

Political parties could operate without restriction or outside interference. Women participated actively in politics. Women held 31 of 128 seats in the National Congress. Twenty-seven women were alternate members of congress. Five women sat on the 13-member executive board of congress, and 16 women presided over congressional committees. Prior to the June coup, there were three female secretaries of state; 10 women holding positions as ministers, directors, or representatives of executive-level departments; one female general police commissioner; and five female ambassadors.

There were two Garifuna and one Lenca members of the National Congress.

In the month before the June coup, there was significant controversy over the legality of a public opinion poll proposed by the executive branch that would have asked whether in the general elections a question would be added about holding a constituent national assembly to produce a new constitution. Some groups believed that the constituent assembly was unconstitutional and represented a means for President Zelaya to eliminate constitutionally mandated term limits and remain in office beyond his four-year term. On May 28, the Office of the National Commissioner of Human Rights publicly denounced efforts by the executive branch to obligate each civil service employee to gather 40 signatures in favor of the public opinion poll. Also on May 28, an administrative court judge abrogated the president's decree ordering the June 28 public opinion poll. The judge instructed all government agencies to suspend all publicity and logistical activities associated with the poll. This decision was upheld by an appellate court ruling on June 16 and the Supreme Electoral Tribunal on June 25.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for corruption; however, the government of President Zelaya did not implement the law effectively, and officials engaged in corrupt practices with impunity. The World Bank's governance indicators reflected that government corruption was a serious problem. Governmental institutions were subject to corruption and political influence. There was a widespread perception that the country's anticorruption institutions had not taken the steps necessary to combat corruption and were unwilling or lacked the professional capacity to investigate, arrest, and prosecute those involved in high-level corruption. The law provides criminal penalties for corruption; however, the government of President Zelaya did not implement the law effectively, and officials engaged in corrupt practices with impunity.

Following the June coup, the de facto regime actively sought to bring corruption charges against President Zelaya and members of his administration. There was no information available regarding the status of corruption during the period of the de facto regime.

Individuals engaged in detecting corruption faced intimidation. On April 6, the IACHR requested that the government take all measures necessary to protect the life of Ines Yadira Cubero Gonzalez, the victim of a March 16 attempted shooting, reportedly due to her work as president of the Commission of Transparency and Anticorruption in San Pedro Sula. The IACHR issued the request because the government had not provided protection to Cubero Gonzalez, even though she had requested protection and reported the March 16 incident to the Office of the Public Prosecutor.

On July 2, authorities arrested Marcelo Chimirri, the former head of the state-owned telephone company, Hondutel, and charged him with embezzlement involving alleged bribes paid to Hondutel officials. On August 22, authorities brought corruption charges against Hondutel auditor Jose Daniel Flores. At year's end the cases against Chimirri and Flores continued.

On July 5, the Public Ministry issued an arrest warrant for the Zelaya administration's secretary of the presidency, Enrique Flores Lanza, charging him with abuse of authority for allegedly withdrawing on June 24, 40 million lempiras (\$2 million) from the central bank. On July 5, the Public Ministry issued an arrest warrant for Edwin Araque, president of the Central Bank under President Zelaya, for usurping a government position in relation to Flores Lanza's alleged June 24 withdrawal of funds.

On July 22, a judge issued arrest warrants for Zelaya administration Executive Vice President Aristides Mejia, Finance Minister Rebeca Santos, and head of the state energy company Rixi Ramona Moncada Godoy. The three were charged with abuse of authority relating to allegations of an unlawful contract for a new building for the energy company. At year's end there was no further information available regarding this case.

Prior to the June coup, the government allowed access to public information for citizens and noncitizens, including foreign media through the Institute for the Access to Public Information (IAIP), which operated a Web site for citizens to request information from government agencies. On March 13, *El Heraldo* reported that IAIP was attempting to ensure the executive branch posted public financial information on its Web site as required under the transparency and access to information law.

On January 6, the Public Ministry announced it had reopened the April 2008 case involving a network trafficking Cuban immigrants through the country. At year's end authorities had not made any arrests or announced any suspects.

There was no further information regarding any developments in the August 2008 corruption case of Guillermo Seaman, who was awaiting trial on charges of approving fraudulent airline employee certifications.

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. Prior to the June coup, government officials generally cooperated with NGOs and, with certain notable exceptions, were usually responsive to NGO views.

On August 11, police detained human rights advocate Alex Matamoros after he attempted to speak to police about the arrest of student Jose Elcer Sabillon during an anticoup protest. On August 12, police released Matamoros without charges.

On August 12, civil society groups alleged that a member of the security forces hit with a baton and threw to the ground human rights defenders Dina Meza and Leyla Elisa Diaz, who were filming the arrest of a an anticoup protester in front of the congress building in Tegucigalpa.

There was no further information regarding the April 2008 killing by unidentified gunmen of Luis Gustavo Galeano Romero, an educator and promoter for the Tocoa, Colon Department, delegation for CONADEH.

On March 19, a Tegucigalpa court sentenced Cesar Damian Amador and Ramon Eusebio Solis to 21 years each for the 2006 murder of Association for a More Just Society lawyer Dionisio Diaz Garcia.

In July the IACHR criticized the forced removal and exile of President Zelaya and the forced exile of Foreign Minister Patricia Rodas. The commission expressed serious concern about the de facto regime's implementation of an executive decree limiting freedom of movement, assembly, and expression during curfew hours. The commission also called on the de facto regime to provide precautionary measures to protect 50 persons, including Foreign Minister Patricia Rodas.

Following its August visit to the country, the IACHR delegation issued an interim report documenting a number of human rights violations, including disproportionate use of force by police, arbitrary detention of thousands of persons, arbitrary application of curfew hours, and violations of freedom of expression. The delegation called particular attention to deaths reportedly associated with the political crisis. On August 21, the de facto regime reportedly stated that the IACHR interim report contained "no big surprises."

CONADEH was headed by Human Rights Commissioner Ramon Custodio Lopez. The commissioner reportedly had open access to all civilian and military institutions and detention centers. The government generally cooperated with the commission but allocated inadequate financial or other resources.

Following the June coup, Custodio reportedly was reluctant to call for investigations of human rights violations allegedly committed by the de facto regime. During the year CONADEH issued a number of press releases on various topics, including political statements relating to the June coup. The NGO Center for Investigation and Promotion of Human Rights and other human rights groups expressed dissatisfaction with CONADEH's work. On July 1, a number of lawyers signed and circulated a public letter asking the Ibero-American Federation of Ombudsmen to investigate Commissioner Custodio's handling of human rights allegations following the June coup. By contrast, on August 21, a pro-de facto regime civic group, Alliance for Honduras in Peace and Democracy, placed a full-page newspaper advertisement in *La Tribuna* praising Custodio's human rights work.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, in practice it was not effectively enforced. Political, military, and social elites generally enjoyed impunity under the legal system. Women suffered social and economic discrimination and, along with other vulnerable groups, experienced an erosion of human rights protections following the June coup.

Women

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. Between January and December, the police reported receiving 1,266 cases of rape. At year's end there was no information available regarding the extent of the rape problem or the number of prosecutions or punishments.

Violence against women, including systematic killing, occurred throughout the year. The law criminalizes domestic violence with between two and four years' imprisonment. 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. The National Violence Observatory at the National Autonomous University reported that through September there were 289 killings of women, compared with 269 reported between January and September 2008.

The IACHR delegation reported that following the June coup, some members of the police and military subjected women detained at political demonstrations to groping, verbal, sexual insults, beatings, and other forms of abuse and intimidation. The NGO Center for Women's Rights asserted that many of the victims were afraid or reluctant to press charges due to a lack of trust of the judicial system and police. By year's end the prosecutor was investigating at least one reported case of rape by police, which allegedly was related to the victim's anticoup activities (see section 1.c.).

The government of President Zelaya and the de facto regime did not enforce the law effectively with regard to domestic abuse. The Public Ministry stated that domestic violence accounted for most of the complaints it received.

Between January and May, the Public Ministry received more than 2000 complaints of domestic abuse. The Special Prosecutor for Women's Issues reported that between January and March, it had received 57 cases of violent deaths of women.

The government of President Zelaya worked with CARE and other NGOs to provide specialized training to police officials on enforcing the law relating to domestic violence. During the administration of President Zelaya, two facilities operated by NGOs provided shelter for battered women. The shelter in Tegucigalpa could accommodate 20 women and their families. Additionally, six other private centers for battered women offered legal, medical, and psychological assistance. There were 15 civil society NGOs grouped under the Women's Collective against Violence involved in combating violence against women. There was no information available during the period of the de facto regime regarding the operation of shelters.

Although adult prostitution is legal for adults over the age of 18 and relatively widespread, the law prohibits promoting or facilitating prostitution. Women were trafficked for sexual exploitation and debt bondage.

The law prohibits sexual harassment in the workplace and provides penalties of one to three years' imprisonment. Sexual harassment continued to be a problem, but the government did not effectively enforce the law.

Couples and individuals had basic rights 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, and coercion. Skilled attendance, including essential obstetric and postpartum care, during childbirth was available only to those that could afford it. There was no known difference in access of men and women to diagnosis and treatment for sexually transmitted infections, including HIV.

Although the law accords women and men equal rights under the law, 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, and 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. Despite legal protections against lower wages based on gender, 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. Several NGOs actively addressed women's issues, including the Center for the Study of Women-Honduras, which dealt with trafficking in persons, commercial sexual exploitation, garment factory employees, and domestic workers.

Children

Birth registration was widely available. Under the constitution citizenship is derived by birth within the territory, from one's parents, or by naturalization.

Child abuse was a serious problem. The law establishes prison sentences of up to three years for persons convicted of child abuse. There was no information available regarding the number of reported cases of child abuse.

Abuse of youth and children in poor neighborhoods remained a serious problem. Police, gangs, and members of the general population engaged in violence against poor youth and children. Human rights groups alleged that individual members of the security forces and civilians used unwarranted lethal force against supposed habitual criminals or suspected gang members, as well as against other youths not known to be involved in criminal activity. Casa Alianza reported two cases of cruel treatment of minors by police. At year's end authorities were investigating the cases.

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 lempiras and 100,000 lempiras (\$2,360 to \$5,290). 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 age 13 or older. The law prohibits the use of children less than 18 years old for exhibitions or performances of a sexual nature and in the production of pornography.

The law outlaws illicit associations, including gang and organized crime membership, for which it prescribes prison terms ranging from three to 12 years. Year-end statistics indicated that there were approximately 36,000 gang members, many of them minors. Gang membership was primarily confined to the Tegucigalpa and San Pedro Sula areas.

Children's rights organizations estimated that there were 20,000 street children, only half of whom had shelter, and that a majority of street children used illegal substances, including glue inhalants and marijuana. Many street children were sexually molested or exploited.

The municipal administration of Tegucigalpa operated 12 temporary shelters with a capacity for 240 children. Casa Alianza operated three shelters (with a capacity for 175 children) for victims of commercial sexual exploitation, street children, and children with substance abuse problems. The NGO Feed the Children operated a shelter for 40 boys in La Ceiba. Casa Alianza estimated that 73 formerly trafficked girls (ages 12-17) stayed at their shelters and participated in recovery programs. Forty-six had been trafficked internally, and 27 had been trafficked outside the country. Casa Alianza provided assistance to approximately 2,560 children, attempting to reintegrate as many as possible with their families. Other private organizations and the government agency National Institute of Children and the Family (IHNFA) centers also housed street children and cared for approximately 2,500 children.

Trafficking in Persons

Although the law criminalizes trafficking in persons for all purposes, there were reports that persons were trafficked from, through, and within the country.

The country was principally a source and transit country for women and children trafficked for the purpose of commercial sexual exploitation. Women and children were trafficked to Belize, El Salvador, Guatemala, Mexico, and also internally, most often from rural to urban settings. Most foreign victims trafficked into Honduras came from neighboring countries.

Prior to the June coup, the director of IHNFA estimated that more than 10,000 children were at risk for sexual exploitation, of whom 98 percent were girls. In the Tegucigalpa metropolitan area, an estimated several hundred children were victims of commercial sexual exploitation during the year. There was no information available regarding the status of at-risk children during the period of the de facto regime.

Gangs, organized crime, and human smugglers were reportedly among the principal traffickers for purposes of commercial sexual exploitation. There were reports that families sold their daughters for purposes of trafficking. Additional reports indicated that entrepreneurs used the promise of lucrative job offers abroad and in urban areas of the country as a means to trap victims. There were reports that victims of sexual exploitation by organized crime in Guatemala recruited new victims in Honduras. International trafficking was undertaken by land; the government maintained control of the country's land borders only at specific crossings. Trafficking was conducted using valid and forged documents.

At year's end there was no further information available about the February 2008 case against Emilio Fiallos Pina and his wife Dora Rutilia Saucedo Fiallos, who were arrested for allegedly selling their nine-year-old daughter to attorney Conrado Zelava Castellon for sexual exploitation.

The law sets penalties and defines offenses related to trafficking, including incest, lechery, abuse, prostitution, pornography, and knowingly infecting someone with HIV/AIDS. Punishments include fines ranging from 100,000 lempiras to 500,000 lempiras (between \$5,300 and \$26,500) and imprisonment between four and 20 years. The law was not enforced effectively. Inadequate government funding to combat trafficking, corruption, and routine dismissal of government employees limited the government's ability to address trafficking. In the Special Prosecutor's Office for Children in Tegucigalpa, antitrafficking responsibilities are assigned to one district attorney, one lawyer, four Public Ministry investigators, and two DGIC agents. In San Pedro Sula, two district attorneys covered trafficking issues, while one attorney did so in Choluteca.

The Division Against Abuse, Trafficking, and Commercial Sexual Exploitation, a unit of the criminal investigative police, conducted detection operations throughout the country, including on highways, at airports and ports, and in hotels.

By year's end the Public Ministry had prosecuted 26 trafficking and commercial sexual exploitation cases, had obtained 11 convictions, and was investigating another 82 cases. The ministry did not report separate statistics for trafficking cases.

On January 27, the Foreign Ministry announced it had discovered that 18 Hondurans who had been trafficked for labor exploitation in Romania, where employers had confiscated their passports, provided substandard living quarters, and refused to pay them. At year's end there was no further information available regarding the case.

On April 15, police arrested Olga Marcia Salvador Sanchez in Cofradia, Cortes Department, and charged her with trafficking for prostitution a 14-year-old girl from Guatemala. At year's end the case continued.

In May police arrested and charged with aggravated human rights trafficking Avilio Gomez Sobral, Luis Enrique Soriano Mondragon, and Teodosio Guzman Pineda. The three reportedly operated an organization that trafficked women and girls from rural areas for sexual exploitation in Comayagua. At year's end there was no further information available regarding the case.

In November 2008 Blanca Azucena Merio Amador and her daughter Gloria Floriscelda Varela Amador were arrested for selling minor girls to men for sexual exploitation. They were allegedly linked to a much larger trafficking operation. While arresting the traffickers, the authorities were able to liberate one minor girl who was being sexually exploited. At year's end there was no further information available on this case.

At least four juvenile trafficking victims were referred to the International Organization for Migration (IOM) for repatriation. The IOM referred dozens of victims each month to government- and NGO-run shelters for assistance. Authorities repatriated three children from Mexico and one from Nicaragua after being trafficked for sexual exploitation.

Before the June coup the government continued antitrafficking training for police, prosecutors, judges, and students. The government also worked with NGOs and the IOM to place victims in shelters and provide them with reintegration assistance.

The Intra-Institutional Task Force on Trafficking implemented a protocol for Assistance to the Victims of Commercial Sexual Exploitation, while the government's Institute for the Family focused on reintegrating child victims back into their families and society. However, the government did not provide adequate assistance to victims. The Office of the Special Prosecutor for Children reported that antitrafficking activities continued under the de fact regime.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, but the government did not adequately enforce these provisions. Statutory provisions make it illegal for an employer to discriminate against a worker based on disability. During the year there were no known 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 government did not effectively implement laws or programs to ensure such access.

The Human Rights Commission of the National Congress focused on matters of importance to persons with disabilities.

Although the law requires the Ministry of Governance and Justice to maintain an office for persons with disabilities, the government did not provide funds or staff to operate the office. Before the June coup, there was a presidential commissioner for persons with disabilities. There was no information available regarding whether the position continued to exist after the coup.

In March authorities arrested former principal Melvin Alvarado Diaz after seven students at the Pilar Salinas School for the Blind accused him of sexually molesting them. At year's end Alvarado had been granted temporary release pending trial.

On April 1, the local government of Puerto Cortez opened a school specifically for children with Down's syndrome. The city already had schools for blind and deaf students.

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 Miskitos, 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 clear title fostered encroachment and expropriation conflicts among 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 land owners and outside groups engaged in illegal activities. Garifuna leaders alleged that groups engaged in drug smuggling and other contraband trafficking had illegally appropriated vast areas of their communal lands.

There were several protests by Garifuna and indigenous groups regarding land-rights disputes and perceived government discrimination. Garifuna leaders continued to petition the government before the June coup regarding their concerns about large-scale commercial development undertaken on coastal lands traditionally occupied and utilized by their communities. The government permitted tourism development by private local and foreign business interests on the disputed lands, using 100-year leases designed to revert to the Garifuna after the expiration of that period of time. Garifuna leaders continued to report to the government and NGOs harassment, threats, and assaults. There was no information available about any actions taken by the de facto regime to address Garifuna community concerns.

On April 13, approximately 3,000 members of the Maya-Chorti indigenous group closed the Mayan Ruins Archeological Park in Copan and demanded that the government comply with promises made over several years to help the group establish legal title to their ancestral lands. There was no information about any response to the Maya-Chorti demands by the Zelaya administration or the de facto regime. However, the Maya-Chorti reported that after the June coup, the de facto regime halted a land reparations program and placed bank transfer restrictions on funding for the community's educational programs.

On June 18, indigenous leader Edgardo Benitez and members of the Miskito indigenous community complained to the press that a government project to break up community land holdings and replace them with individual land titles in the departments of Gracias a Dios, Colon, and Olancho was causing environmental damage to the community's lands in the Rio Platano Biosphere Reserve.

There were no reported developments regarding an investigation or arrest of any suspects in relation to the March 2008 killing of Tolupan youths Jose Mastul and Geovanny Banegas Sevilla.

There were no reported developments in the case involving the June 2008 abduction and physical assault of Garifuna activist Santos Feliciano Aguilar Alvares by 10 private security guards employed by a real estate company in San Juan Tela, Atlantida Department.

On September 8, a court in La Ceiba acquitted military officials Marco Antonio Rodriguez, Nelson Makeny, Edgar Portillo, David Edward Wilson Tabor, and Noe Hernandez Perez Carpio in relation to the September 2008 killing of Garifuna community member Guillermo Morales Herrera in the Cuero y Salado wildlife preserve.

The Zelaya administration undertook minimal efforts to work with indigenous persons to address concerns regarding ownership and use of traditional lands. The courts commonly denied legal recourse to indigenous persons and often favored nonindigenous parties of means and influence. Failure to obtain legal redress frequently led indigenous persons to attempt to regain land through invasions of private property, which led the authorities to retaliate forcefully. There was no available information about any de facto regime actions to address indigenous community land concerns.

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. Many NGOs indicated that hate crimes increased, particularly during political campaign season. Representatives of NGOs focusing on sexual diversity rights asserted that throughout the year security forces killed and

abused their members. In cases where lesbian, gay, bisexual, and transgender (LGBT) persons were found dead, the prosecutor often encountered serious difficulties because the victims had either concealed their identity or sexual orientation, or were hiding from their families.

Criminal investigations did not recognize a "transgender" category. Sexual minority rights groups asserted that throughout the year 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 proceed with prosecutions. In May Human Rights Watch released a report documenting targeted violence against transgender persons in the country. The report called for the repeal of statutory language on guarding against public scandal, which the police allegedly used to justify detaining transgender persons.

On January 12 and May 17, hundreds of LGBT protesters marched against hate crimes in Tegucigalpa calling for the government to investigate the reported killings of 28 persons from the sexual minority community since 2008. While police did not impede the demonstrations, authorities did not provide protection for the marchers. The organizers of the January and May events did not seek advance permission for these marches as required under the law.

There were multiple killings or attacks on persons presumably because of their sexual orientation. The LGBT rights organization Red Lesbica Cattrachas reported that between July and December, unknown actors killed 19 members of the LGBT community and that a number of gay persons fled the country out of fear of social and security-force persecution. One human rights group estimated that it registered approximately one case per month of pistol whipping and other police abuses against LGBT persons. The NGO Lesbian-Gay Rainbow Association of Comayaguela operated a medical and psychiatric services clinic that treated between seven and 10 hate crime victims per month.

On January 9, unknown assailants shot and killed Cynthia Nicole, a transgender sex worker and well-known LGBT rights activist. In December 2008 armed men had physically assaulted Cynthia Nicole. At year's end there was no information available regarding any investigation of these incidents.

On March 3, unknown assailants reportedly beat to death 18-year-old Delmer Joel Martinez, allegedly because they thought he was gay, and dragged his body to a field near the Tegucigalpa suburb of Nueva Suyapa. There was no information available about any investigation in the case.

Following the June coup, human rights organizations reported at least two cases in which police made death threats against LGBT persons for their involvement in anticoup protests saying, "We should kill all homosexuals." On July 3, the IACHR requested that the de facto regime provide protective measures for four LGBT activists. In response to the commission's request, the de facto regime published a newspaper advertisement in *La Tribuna* listing the names of all persons awarded protective measures from June 28 onwards and asked the named persons either to present themselves to the Supreme Court or call a government-listed telephone number. Human rights defenders reported that none of the persons listed in the advertisement replied to the government request and asserted that the advertisement was a form of intimidation against the named persons.

On June 29, unknown actors fatally shot in the head transvestite sex worker Vicky Hernandez Castillo (Jhonny Emilson Hernandez) in San Pedro Sula. Human rights defenders alleged that security forces were responsible for the killing because Hernandez Castillo was believed to have been killed while working during curfew hours on the night of June 28.

On September 20, unknown perpetrators fatally shot Salome (Jorge Samuel Caravante) and Zaira (Carlos Ricardo), two transvestite sex workers in Choloma, Cortes Department. At year's end there was no information regarding any investigation of these killings.

On December 4, unknown persons reportedly kidnapped and physically assaulted LGBT activist Walter Trochez but later released him. Trochez told human rights organizations that during his December 4 detention, the kidnappers questioned him about his involvement in the anticoup movement. On December 13, unknown assailants fatally shot and killed Trochez in Tegucigalpa. At year's end the Office of the Special Prosecutor for Human Rights was conducting an investigation.

At year's end there was no information available regarding a response by the Committee on Human Rights to a 2008 complaint filed by LGBT rights advocates about reports that authorities denied transgender persons national identity cards because the applicants were wearing cosmetics and feminine accessories.

At year's end Nelson Daniel Gaytan had been charged with unlawful detention and was awaiting trial for the 2007 police beating and detention of LGBT activist Donny Reyes. Police reportedly detained Reyes in a cell with 57 gang members who raped and beat him.

Other Societal Violence or Discrimination

There was no reported widespread societal violence or discrimination against persons based on their HIV/AIDS status. However, the NGO Center for the Investigation and Protection of Human Rights reported that authorities refused to perform an autopsy on the body of transgender sex worker Vicky Hernandez Castillo because they believed she had been HIV positive. Job-related age discrimination remained a serious problem.

Section 7 Worker Rights

a. The Right of Association

The law provides for the right of workers to form and join unions of their choice, but in practice workers exercised this right with difficulty. The law permits unions to operate without government interference. However, the law prohibits members of the armed forces and the police force from forming labor unions and also prohibits public service employees from presenting union organizing petitions or participating in collective bargaining. There were an estimated 519 unions representing approximately 8 percent of the work force, excluding the agriculture sector. As of July approximately 13 percent of the 133,000 apparel assembly workforce was unionized.

The law prohibits coexistence of more than two trade unions at a single enterprise, requires 30 or more workers 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.

Union leaders were occasionally subjected to violence and threats. On April 1, authorities in San Pedro Sula arrested Sergio Misael Murillo Jimenez and charged him with the April 2008 murder of labor leader Altagracia Fuentes; her companion, labor leader Yolanda Sanchez; and their driver, Juan Bautista Aceituno. On April 11, authorities in La Lima, Cortes Department, found the body of Jose Omar Funez Cruz, a known gang member and a suspect in the killing of Fuentes. On May 4, police arrested Alexander Armando Reyes Ferrera and Elmer Alberto Orellana Dubon and charged them with the murder of Fuentes, Sanchez, and Aceituno. Authorities also arrested and charged police officer Marvin Mauricio Aguilar with misappropriation of public goods after he failed to turn in 58,500 lempiras (approximately \$3,080) and \$1,000 in U.S. currency found in Fuentes' automobile. Throughout the year unknown actors made death threats by phone against labor activist Evangelina Argueta, who was involved in a textile industry collective bargaining agreement. By year's end authorities had not complied with the IACHR's August 7 request for protective measures for Argueta.

The law provides for the right to strike, and workers exercised this right in practice. The law prohibits strikes in a wide range of economic activities deemed essential services and any others that in the government's opinion affect individual rights to security, health, education, economic, or social life. The International Labor Organization (ILO) criticized the law's denial of the right to strike to workers in the petroleum sector and to government workers other than employees of state-owned enterprises. In February Human Rights Ombudsman Ramon Custodio called strikes by teachers illegal, based on his assertion that such strikes interfered with "the right of children to have an education."

Although civil servants occasionally engaged in illegal work stoppages without experiencing reprisals, the Ministry of Labor (MOL) has the power to declare the protest illegal and dismiss the protesting workers. The legal restrictions on strikes include a prohibition on labor federations and confederations from calling strikes and a requirement that a two-thirds majority of the votes of the total membership of the trade union call a strike.

Following the June coup, teachers took part in anticoup protests for several months. Between July and August, the Public Ministry reportedly received 27 complaints from parents about teacher absenteeism in public schools. On August 28, the press reported that the de facto regime education minister and finance minister stated that teachers engaging in political protests instead of reporting to work would not receive salaries.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and to bargain collectively, but the government did not protect this right in practice. Although the law requires that an employer begin collective bargaining once workers establish a union, employers often refused with impunity to engage in bargaining.

Although the law prohibits employer retribution for engaging in trade union activity, it was a common practice with employers threatening to close unionized companies and harassing or dismissing workers seeking to unionize. Some foreign companies closed operations when notified that workers sought union representation.

The MOL can reach administrative decisions and fine companies for unfair dismissal, but only a court can order reinstatement of workers. Employers often failed to comply with court orders requiring them to reinstate workers fired for engaging in union activity; failure to reinstate workers was a serious problem.

Although the law prohibits blacklisting, there was credible evidence that apparel assembly factory employers blacklisted with impunity employees seeking to form unions. There were reports of apparel assembly workers allegedly fired for union activity who were hired for one or two weeks and then dismissed with no explanation. Apparel assembly company employees reported seeing computer records that included previous union membership in personnel records. Some employers informed previously unionized workers that they were unemployable because of their previous union activity.

The government did not allocate adequate resources to the MOL for labor inspectors to perform their duties. The country's labor inspectorate offices did not have financial resources to cover travel for inspections and requested that the government provide transport facilities and other necessities to enable inspectors to carry out their duties.

On November 14, Russell Athletic negotiated a settlement with worker representatives of the Jerzees de Honduras (JDH) factory in relation to the January closure of the JDH factory and unlawful dismissal of approximately 1,800 workers. The closure occurred after workers obtained legal registration for their union and had begun salary negotiations. The settlement included establishing a unionized factory, offering employment to former JDH employees, and joint union-company training.

There were no new developments regarding a Public Ministry investigation or the whereabouts of union leader Loma Jackson, who remained in hiding at the end of 2008 after receiving death threats in relation to the August 2008 dismissal of 1,800 workers at Alcoa factories in El Progreso and Choloma.

Strikes are permitted in the 102 registered export processing zones (EPZs) and 19 industrial parks operating as EPZs. However, the law requires that strikes cannot impede the operations of other factories in the industrial parks. An additional 26 companies that provided services for industrial parks had their own free zones, outside the industrial parks. In the absence of unions and collective bargaining, several companies in the EPZs instituted solidarity associations that, to some extent, functioned as company unions for the purposes of setting wages and negotiating working conditions. Other EPZ companies used the minimum wage to set starting salaries and adjusted wage scales by negotiating with common groups of plant workers and other employees based on seniority, skills, categories of work, and other criteria.

c. Prohibition of Forced or Compulsory Labor

The law generally prohibits forced or compulsory labor. However, there were reports of trafficking in children for commercial sexual exploitation and of child prostitution.

d. Prohibition of Child Labor and Minimum Age for Employment

The law regulates child labor and provides that minors between the ages of 14 to 18 cannot work unless authorities determine that the work is indispensable for the family's income and will not conflict with schooling. The constitution and the law establish the maximum work hours for children under age 18 as six hours daily and 30 hours weekly. Parents or a legal guardian can request special permission from the MOL to allow children between the ages of 14 and 15 to work, so long as the ministry performs a home study to ensure that the child demonstrates economic necessity to work, and that the child will not work outside of the country or in hazardous conditions, including offshore fishing.

The law prohibits night work and overtime for minors under age 16 and requires that employers in areas 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. In practice the vast majority of children worked without ministry permits.

Child labor was a problem. A May household survey found that approximately 170,000 children between the ages of five and 14 were child laborers, mostly in rural areas. Children often worked harvesting melons, coffee, and sugarcane or rummaging at garbage dumps; working in the forestry, hunting, and fishing sectors; and working as deckhands and divers in the lobster industry. Children worked as domestic servants, peddled goods such as fruit, begged, washed cars, hauled loads, and were employed in limestone and lime production. Most child labor occurred in rural areas. Worst forms of child labor included lobster fishing and the harvesting of coffee and sugar cane. Children worked out of economic necessity alongside other family members. In its 2009 report, the ILO Committee of Experts noted the high number of children, particularly girls, engaged in domestic work, as well as child victims of commercial sexual exploitation. Media outlets reported that street children had been found working as drug mules in Tegucigalpa and other cities in the country.

The government did not devote adequate resources or inspectors to follow up, prevent, or monitor compliance with labor laws. The MOL, the government agency responsible for enforcing child labor laws, did not effectively enforce child labor laws outside the apparel assembly sector, and there were frequent violations of the child labor laws. There was no known change to the practice of appointing child-labor inspectors only to offices in Tegucigalpa and San Pedro Sula, which reportedly limited their ability to investigate allegations of child labor.

The government conducted social and educational programs to reach at-risk children, including a school grant program to provide money for school supplies for very poor families and an alternative schooling program using radio and long-distance

learning for children in distant rural areas with few schools. On May 25, the government launched Challenge 100, a joint public-private venture involving NGOs, the Honduran Maquiladora Association, and the Chamber of Commerce of Cortes. The venture targeted former gang members and assisted them in locating new jobs.

The government of President Zelaya conducted a National Plan of Action for the Eradication of Child Labor and a National Plan of Action to Eradicate Commercial Sexual Exploitation of Children. These programs reportedly continued under the de facto regime. The plans coordinated government agency actions to promote interinstitutional cooperation and assistance to victims of child labor. Government measures had minimal impact on diminishing child labor in light of extreme poverty, famine conditions in rural areas, and a lack of jobs for school graduates.

e. Acceptable Conditions of Work

In December 2008 the government announced a 60 percent general increase in the minimum wage to 5,500 lempiras (approximately \$290) per month for city workers and 4,055 lempiras (\$213) for rural workers. However, the textile industry and free trade zones were left out of the increases. The increase put the private sector minimum wage (not including agriculture) on par with the public sector minimum wage. In the agricultural sector, employers often did not pay the minimum wage. The national minimum wage did not provide a decent standard of living for a worker and family.

The daily minimum wage scale is divided into 10 sectors based on the size of the worker's place of employment. The scale ranged between 55 lempiras (\$2.90) for unskilled labor and 135 lempiras (\$7.10) for workers in financial and insurance companies. The minimum wage is established through a commission composed of representatives from the government, business sector, and labor unions. The commission negotiates a new minimum salary, and if it fails to reach an agreement, the matter goes to the president for decision.

The law prescribes a maximum 44-hour workweek and at least one 24-hour rest period for every six days of work. The law requires overtime payment for hours in excess of the standard, and there are prohibitions on excessive compulsory overtime. Employers frequently ignored these regulations due to the high level of unemployment and underemployment and the lack of effective enforcement by the MOL.

There were credible allegations of compulsory overtime at apparel assembly factories (particularly for women, who comprised approximately 65 percent of that sector's workforce), in the private security sector, and among household workers. Human rights organizations frequently reported that in the private security and household sectors, workers were typically obliged to work more than 60 hours a week and earned only the legal limit of 44 hours. Foreign workers enjoyed equal protection under the law.

The MOL is responsible for enforcing national occupational health and safety laws but did not do so consistently or effectively.

Worker safety standards were enforced poorly, particularly in the construction industry, in garment assembly sector, and in agriculture production activities. There were complaints that foreign factory managers in EPZs and other private industrial facilities failed to comply with occupational health and safety regulations. Workers in pineapple production and other commercial agriculture enterprises alleged blacklisting by employers if they complained to the authorities about working conditions.

The NGO Honduran Women's Collective reported that large numbers of apparel assembly workers had back, neck, and carpal tunnel syndrome as well as respiratory (including tuberculosis), digestive, and skin diseases. These health problems were attributed to air contaminated by fine dust and fabric fuzz, noise, lack of ventilation, lack of protective equipment, and extreme temperatures.

The law does not provide workers with the right to leave a dangerous work situation without jeopardy to continued employment.

The MOL did not investigate alleged violations of occupational health and safety laws and other labor rights problems relating to the approximately 3,000 lobster divers, many from indigenous and other ethnic minority groups, in La Moskitia, Gracias a Dios Department. Since 2003 approximately 365 lobster divers died, and at least 2,000 became disabled due to the dangerous nature of their work.

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