

police officers and a representative of the State call for authorities to act swiftly to bring to justice those who are responsible for the crimes.”

In October 2018, a US federal judge issued a preliminary injunction temporarily blocking a decision by the Trump administration to terminate Temporary Protected Status (TPS) for Haitians effective July 2019. Termination would affect an estimated 60,000 Haitians who were permitted to stay in the US following the 2010 earthquake, including the parents of more than 27,000 children born to Haitians in the US under the program. In February 2019, the Trump administration announced that it would extend TPS for Haiti until January 2020.

In April, a second US federal judge issued a separate injunction blocking the administration’s plan to end TPS. In an effort to comply with these injunctions, in November the US Department of Homeland Security announced it would extend TPS for Haitians through January 4, 2021.

In 2019, Haiti endorsed the Safe Schools Declaration, an international commitment to protect education during armed conflict.

## Honduras

Violent crime is rampant in Honduras. Despite a recent downward trend, the murder rate remains among the highest in the world. Poverty, violence, and insecurity cause significant outflows of migrants and asylum-seekers. Human rights groups reported unjustified lethal force and other excessive use of force by security forces during a police and military crackdown on public protests between March and July. The crackdown left several people dead and many more injured. It was not clear how many of those killed or injured were victims of excessive force by authorities.

Journalists, environmental activists, and lesbian, gay, bisexual, and transgender (LGBT) individuals are vulnerable to violence. Efforts to reform public-security institutions have stalled. Marred by corruption and abuse, the judiciary and police remain largely ineffective. Impunity for crimes and human rights abuses is the norm.

The Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), established in 2016 through an agreement between the government and the Organization of American States (OAS), has investigated a small number of cases involving corruption of senior officials. As of September, officials were debating whether to extend MACCIH’s mandate, which was set to expire at the end of 2019. In November, the Honduran government and the Secretary General of the Organization of American States (OAS), installed an evaluation board to review the performance of MACCIH, prior to examining whether or not to extend its mandate.

### ***Police Abuse and Corruption***

In December 2018, the legislature approved a resolution to extend the mandate of a Special Commission for Police Reform Restructuring, charged with removing active members of the National Police who do not comply with their duties, through January 2022. As of June 2019, almost half of more than 13,500 police officers evaluated by the commission had been removed for acts committed during their tenure as officers. However, the commission has been criticized for its opacity and several of the almost 6,000 dismissed officers have been arrested by police for alleged criminal acts committed after their dismissal. This

prompted the government in July to establish an elite police force tasked with monitoring the activities of dismissed police officers after they are purged from the institution.

In February, the National Anti-Corruption Council, an independent civil-society group, accused, before the Special Prosecution Unit Against Impunity for Corruption, former president Porfirio Lobo of misappropriating government funds during his presidency. In May, MACCIH announced that it was investigating Lobo for allegedly laundering drug money for his electoral campaign. Lobo denies the allegations.

In August, media reported that a court sentenced former First Lady Rosa Elena Bonilla, wife of ex-President Lobo, to 58 years in prison on corruption charges. It was the first conviction achieved by MACCIH.

In August, media reported that United States federal prosecutors had released documents implicating Honduran President Juan Orlando Hernández in a drug trafficking and money laundering conspiracy with his brother Juan Antonio Hernández. After a two-week trial in the US, in October, Hernández was convicted of drug conspiracy. He is set to be sentenced in January 2020. President Hernández, who has not been charged, has “categorically denied” the accusations.

### ***Judicial Independence***

Judges face interference from the executive branch and others, including private actors with connections to government. In August, the United Nations special rapporteur on the independence of judges and lawyers reported that four justices of the Constitutional Chamber of the Supreme Court were removed by Congress for political reasons and noted the lack of transparency in judicial appointments and lack of public scrutiny in the appointment of high officials.

### ***Crackdown on Protests***

Nationwide protests and strikes erupted in April over the approval of regulations to restructure the health and education systems. The regulations were repealed in April, but protests continued. More demonstrations followed over corruption allegations implicating President Hernández.

Local human rights organizations reported that the crackdown between March and July killed at least six people, wounded 80, and included 48 arbitrary detentions. The Office of the High Commissioner for Human Rights in Honduras (OAC-NUDH) and the Inter-American Commission on Human Rights (IACHR) expressed concern over reports that security forces fired live ammunition into demonstrations.

### ***Freedom of Expression, Association, and Assembly***

International press freedom organizations report that journalists continue to be targets of threats and violence, both by individuals and state agents.

The Honduran human rights ombudsman, CONADEH, reported that as of September 2019, 79 journalists had been killed since October 2001, and that 91 percent of those killings remained unpunished.

In March, gunmen in Nacaome killed Valle TV reporter Leonardo Gabriel Hernández in retaliation, police said, for Hernández’s work exposing organized criminal groups. Three other journalists had been killed in 2019 as of November.

In May, a new penal code was adopted that maintained the crimes of defamation, libel, and slander, all of which have been used to prosecute journalists for “crimes against honor.” In August, Congress announced that it would decriminalize those offenses, allowing only civil suits. As of November, Radio Globo director David Romero remained in prison, serving a 10-year sentence for defamation, according to the Honduran press freedom organization C-Libre. He was originally convicted in 2016, and the Supreme Court upheld the conviction in January.

Because of their vague and broad wording, other provisions of the new penal code could criminalize the lawful exercise of the rights to protest and assembly. This includes the crime of “public disturbances,” vaguely defined to include “violence or serious intimidation [that] frightens a population or part of it.” The code also uses overly broad language in defining the crimes of “illicit assembly,” “demonstrations,” and “terrorism.” In July 2019, the IACHR and OHCHR expressed concern over these provisions and called for their review. In November, the legislature postponed the entry into force of the penal code, which was planned for November 2019, to May 2020.

### ***Attacks on Lawyers, Human Rights Defenders, and Environmental Activists***

The UN special rapporteur on the situation of human rights defenders calls Honduras one of the most dangerous countries in Latin America for human rights defenders.

In February, Salomón Matute and his son Juan Samael Matute, both Tolupan indigenous persons who belonged to the San Francisco Locomapa tribe and the Broad Movement for Dignity and Justice (MADJ), died of gunshot wounds despite “precautionary measures” granted by the IACHR in 2013 to ensure the government protected them.

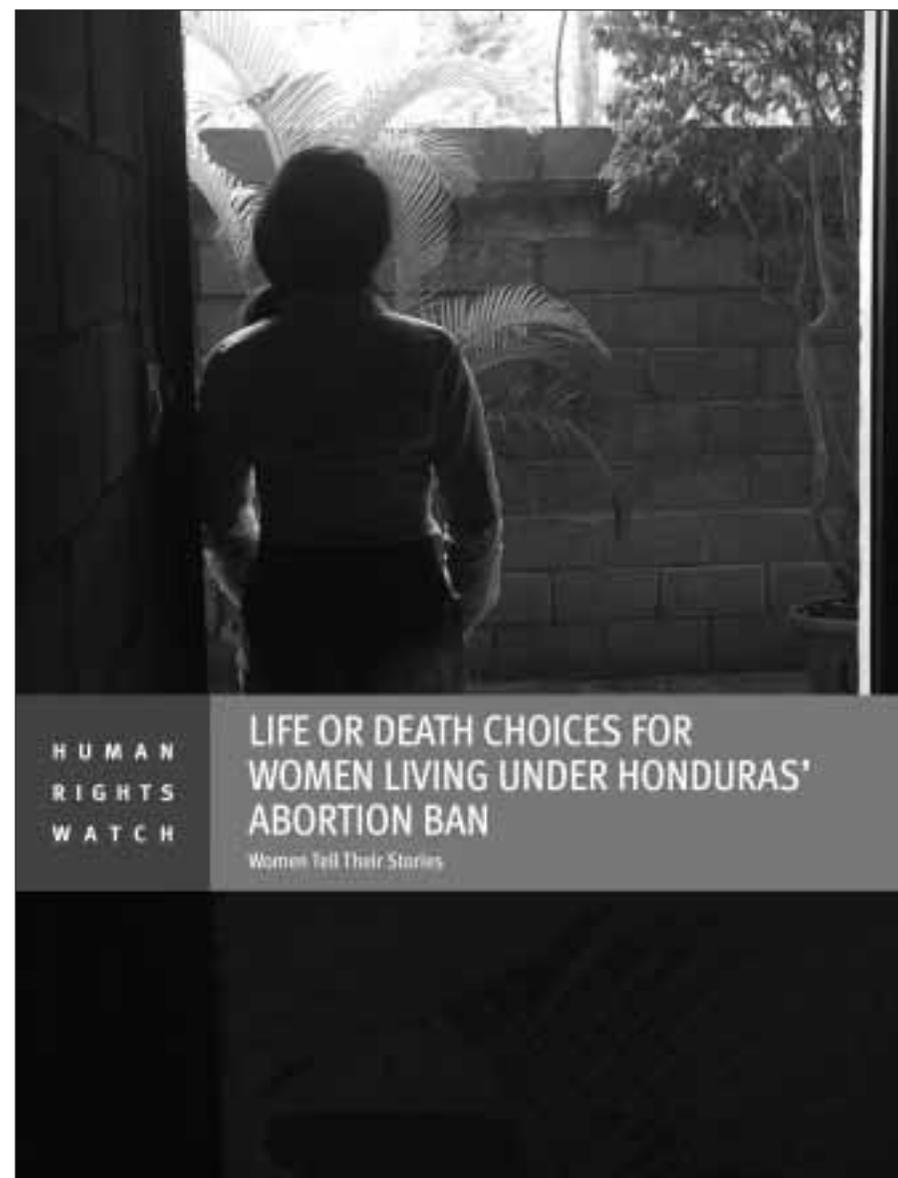
In October, María Digna Montero, a member of the Honduran Black Fraternal Organization (OFRANEH) and a defender of the indigenous Garifuna land and culture, was shot and killed in her home in Colón by unknown individuals.

In November 2018, a court found seven men guilty of the 2016 murder of environmental and indigenous-rights activist Berta Cáceres. Those convicted included a former chief of security for Desarrollos Energéticos SA (DESA), the company building the Agua Zarca dam, against which Cáceres had been campaigning at the time of her assassination.

Local activists have criticized the official Mechanism for the Protection of Journalists, Human Rights Defenders and Operators of Justice, created in 2015, for lacking uniform criteria in awarding protection measures and for being ineffective.

### ***Sexual Orientation and Gender Identity***

Violence based on gender identity or sexual orientation is widespread in Honduras. Several United Nations agencies working in Honduras have noted that violence against LGBT individuals forces them into “internal displacement” or to flee in search of international protection. The Honduras government keeps no data on killings based on sexual orientation or gender identity, but the Lesbian Network Cattrachas reported that between January and August 2019, at least 26 LGBT people had been killed. In one case documented by Human Rights Watch in June 2019, a transgender woman was killed and mutilated near San Pedro Sula in an apparent hate crime.



In March, a new adoption law that prohibits same-sex couples from adopting children went into effect.

### ***Women’s Sexual and Reproductive Rights***

Abortion is illegal in Honduras in all circumstances, including rape and incest, when a woman’s life is in danger, and when the fetus will not survive outside the womb. Under the new criminal code, women and girls who terminate pregnancies can face prison sentences of up to six years. The law also sanctions abortion providers.

The government also bans emergency contraception, or the “morning after pill,” which can prevent pregnancy after rape, unprotected sex, or a contraceptive failure.

### ***Children’s Rights***

In 2017, the Honduran Congress unanimously passed a bill making all child marriage of those below the age of 18 illegal. The new bill replaces legislation that previously allowed girls to marry at 16 with permission from family. UNICEF reports that a third of all Honduran girls marry before 18.

CONADEH’s Internal Displacement Unit reports that the forced recruitment of children by gangs or criminal groups is the fifth most frequent reason that Hondurans became internally displaced in the first semester of 2019. UNICEF has reported that no reliable statistics exist concerning how many children have been recruited into these groups.

### ***Prison Conditions***

Inhumane conditions, including overcrowding, inadequate nutrition, and poor sanitation are endemic in Honduran prisons. A December 2018 study by the National Committee on the Prevention of Torture, Cruel, Inhuman or Degrading Treatment, an official body, reported that the country’s prisons held 21,004 inmates, a figure double that of a decade earlier.

### ***Migrants and Refugees***

In January, a new migrant caravan started forming in San Pedro Sula, heading toward Mexico and the United States. Media reported that Honduran authorities obstructed and in some cases barred Hondurans from leaving the country by demanding identity documents, establishing checkpoints and blockades, and even teargassing the caravan. The IACHR expressed concern over the use of violence and other measures to prevent people from leaving the country, and urged Honduras to guarantee the migrants’ rights, including the right to leave any country.

In September, Honduras and the US signed an “asylum cooperation agreement” that requires Honduras to receive asylum-seekers who are referred by the US. Under the agreement, Honduras cannot return or remove the migrants until their asylum cases are resolved by the US federal authorities.

### ***Key International Actors***

In March, the US State Department confirmed that it was halting aid to Guatemala, Honduras, and El Salvador, after President Donald Trump criticized Northern Triangle countries for their alleged lack of action in stopping the north-bound caravans. In June, the US announced it was restoring some aid, but would halt new funding if countries failed to reduce migration to the United States. In October, the US announced the partial restoration of previously frozen foreign aid to Honduras, as well as to El Salvador and Guatemala, after all three countries entered into asylum cooperation agreements with the US.

In April, the IACHR brought a case against Honduras before the Inter-American Court of Human Rights concerning the extrajudicial execution of a transsexual woman and human rights defender in 2009, while a curfew was in force. The IACHR determined that the killing was prompted by prejudice toward her gender identity and expression. The court took into consideration the context of violence and discrimination against LGBT people in Honduras.

In May, the IACHR visited Honduras, as a follow up to its 2018 visit.

The UN special rapporteur on the independence of judges and lawyers visited Honduras in August 2019 and reported that “Honduras needs urgent Government action to strengthen national capacities to fight corruption and reinforce the independence of its judicial system.”

In August, the UN Working Group on Business and Human Rights visited Honduras to assess how the government and the business sector discharge their responsibility to prevent, mitigate, and remedy human rights abuses and negative impacts linked to business activity. The preliminary report documents that access to, use, and control over land by businesses is a recurring issue at the roots of many social conflicts.

In October, the IACHR published its report on the human rights situation in Honduras following a visit to the country in 2018. The report identifies institutional and human rights deficiencies, and highlights how lack of access to justice “has led to a structural impunity that perpetuates serious human rights violations.”

## India

The Bharatiya Janata Party (BJP) won the May 2019 elections with a majority to return Prime Minister Narendra Modi for a second term. The Modi government continued its widespread practice of harassing and sometimes prosecuting outspoken human rights defenders, and journalists for criticizing government officials and policies.

In August, the government revoked the special constitutional status of Jammu and Kashmir and split the province into two separate federally governed territories. Before the announcement, the government deployed additional troops to the province, shut down the internet and phones, and placed thousands of people in preventive detention, prompting international condemnation.

The government failed to properly enforce Supreme Court directives to prevent and investigate mob attacks, often led by BJP supporters, on religious minorities and other vulnerable communities.

In the northeast state of Assam, a citizenship verification project excluded nearly two million people, mostly of Bengali ethnicity, many of them Muslim, putting them at risk of statelessness.

### *Jammu and Kashmir*

On February 14, a suicide attack on a security forces convoy in Pulwama district killed over 40 Indian troops. The Pakistan-based militant group Jaish-e-Mohammad claimed responsibility. It led to military escalation between India and Pakistan. Following the attack, Kashmiri students and businessmen in other parts of India were harassed, beaten, and even forcibly evicted from rented housing and dorms by BJP supporters.

On August 5, before revoking the state’s special autonomous status, the government imposed a security lockdown and deployed additional troops. Thousands of Kashmiris were detained without charge, including former chief ministers, political leaders, opposition activists, lawyers, and journalists. The internet and phones were shut down. The government said it was to prevent loss of life, but there were credible, serious allegations of beatings and torture by security forces.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

The Senate supported bills which discriminated against LGBTI people; they were pending approval by the Chamber of Deputies at the end of the year. In July, the Senate voted for certificates to be issued which would vouch for an individual's "good moral" standing and from which anyone deemed to be "homosexual" would be excluded. In August, it approved a law making same-sex marriage and public support or advocacy for "homosexuality" illegal.

### HUMAN RIGHTS DEFENDERS

Human rights defenders David Boniface and Juders Ysemé reported fearing for their lives following the sudden death in March of their colleague Nissage Martyr. He died a day after the three men filed a lawsuit in the USA against Jean Morose Viliéna – former Mayor of Les Irois, their hometown in Haiti – for grave human rights violations. Jean Morose Viliéna had fled to the USA from Haiti in 2009. The men said that they had been subjected to repeated death threats and to violent attacks by or on behalf of the former Mayor since 2007. However, the authorities did not implement adequate protection measures, although the Inter-American Commission on Human Rights granted them precautionary measures to ensure their safety in 2015.<sup>2</sup>

Sanièce Petit Phat reported that she had received death threats because of her work in defence of the rights of women and girls.<sup>3</sup>

### RIGHT TO EDUCATION

In June, the UN Economic and Social Council Ad Hoc Advisory Group on Haiti criticized inefficiency in the education sector. It noted that most schools were privately managed, "making education an expensive, profit-based system" too expensive for many Haitian families. Illiteracy among over-15s was over 50%.

1. Following political crisis Haiti must urgently advance human rights agenda (AMR 36/5899/2017)
2. Haiti: Human rights defenders' lives in danger (AMR 36/6045/2017)
3. Haiti: Women's rights defender threatened with death: Sanièce Petit Phat (AMR 36/7598/2017)

## HONDURAS

### Republic of Honduras

Head of state and government: **Juan Orlando Hernández Alvarado**

**The level of insecurity and violence remained high. Widespread impunity continued to undermine public trust in the authorities and the justice system. Protests in the aftermath of the presidential election were brutally repressed by security forces. Honduras remained one of the most dangerous countries in the Americas region for human rights defenders, especially for those working to protect land, territory and the environment. The government announced the creation of a Ministry for Human Rights and Justice, to become operational in 2018.**

### EXCESSIVE USE OF FORCE

Mass protests, which began on 29 November around the country to denounce the lack of transparency around the presidential election, were brutally repressed by security forces. Hundreds of people were arrested or detained and a 10-day curfew was implemented in December. Security forces used excessive force against protesters, including with lethal weapons. At least 31 people were killed, and multiple cases of people being injured by firearms or brutally beaten by security forces were also reported, as well as cases that could amount to torture and other cruel, inhuman and degrading treatment.

### HUMAN RIGHTS DEFENDERS

Human rights defenders, particularly environmental and land activists, continued to be at risk of human rights abuses. They

were subjected to smear campaigns by both state and non-state actors to discredit their work, and were regularly targeted with intimidation, threats, and attacks. In June, three members of the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH) were attacked by armed assailants while they were in a car, returning from a meeting. Local NGOs said that the justice system continued to be misused to harass and discourage human rights defenders. Unnecessary and excessive use of force by security forces during peaceful protests was also reported.

The vast majority of attacks registered against human rights defenders remained unpunished, as a result of multiple obstacles hindering investigations and trials. There was little progress in the investigation into the killing in March 2016 of Berta Cáceres, the Indigenous environmental defender and co-founder of COPINH. The public hearings of eight suspects detained in relation to the case were postponed on multiple occasions. Independent experts revealed a lack of due diligence in the investigations, including a lack of prosecution of other individuals potentially involved in the crime. There was no information about any progress made by the Public Prosecutor in identifying those responsible for planning her killing.

Although some progress was made to protect human rights defenders through the National Mechanism to Protect Human Rights Defenders, Journalists, Social Commentators and Justice Officials, efforts to ensure their comprehensive protection remained insufficient.

New provisions of the Criminal Code on terrorism and related criminal offences approved by Congress in February and September were defined in an overly broad and vague manner, contrary to the principle of legality. The provisions could lead to the arbitrary and inadequate application of the Code against peaceful protesters and human rights defenders, which could further criminalize their work and obstruct social movements.

## **INDIGENOUS PEOPLES' RIGHTS**

Several Indigenous Peoples continued to claim that their rights to consultation and to free, prior and informed consent were violated in the context of projects to explore and exploit natural resources in their territories. Killings, aggressions and cases of misuse of the justice system against those defending Indigenous Peoples were reported.

The Draft Framework Law on Free, Prior and Informed Consultation of Indigenous Peoples faced criticism, including of the insufficient participation of Indigenous and Garifuna (Afro-descendant) communities in the process.

Reparation measures ordered in 2015 by the Inter-American Court of Human Rights in two cases where Honduras had violated the collective land rights of the Garifuna communities had yet to be implemented.

## **LAND DISPUTES**

Conflicts persisted due to the lack of secure land tenure. High levels of violence were reported in the Aguán Valley where long-standing land disputes remained unresolved. According to the Unified Campesino Movement of the Aguán, precautionary measures granted by the Inter-American Commission on Human Rights to protect the life and integrity of leaders in the Aguán Valley were not adequately implemented.

## **GENDER-RELATED VIOLENCE**

Women, girls and LGBTI people continued to face high levels of gender-related violence. Between January and October, 236 violent deaths of women were registered by the Centre for Women's Rights. According to the Lesbian Catrachas Network, killings of LGBTI people also increased, with a total of 35 people killed. Impunity remained high in these cases, as authorities lacked sufficient capacity and resources to investigate, prosecute and punish those responsible.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

The failure to protect women's and girls' rights and guarantee access to safe and legal abortion in any circumstances continued.

Despite recommendations from international human rights bodies and mechanisms, in April Congress decided to maintain the prohibition of abortion in all circumstances in the new Criminal Code.

## REFUGEES AND ASYLUM-SEEKERS

Widespread violence across Honduras remained a key factor of forced migration from the country. According to UNHCR, the UN refugee agency, between January and October, 14,735 Hondurans sought asylum worldwide, mostly in Mexico and the USA. However, large numbers of Hondurans also continued to be forcibly returned from these countries to the same life-threatening situations which initially pushed them to escape. To date, there was no comprehensive mechanism or protocol to detect and address in a systematic manner the protection needs of deportees.

# HUNGARY

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## Hungary

Head of state: **János Áder**

Head of government: **Viktor Orbán**

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**The systematic crackdown on the rights of refugees and migrants continued. Foreign-funded universities and NGOs faced restrictions under new legislation.**

## BACKGROUND

The government faced domestic protests and increased international scrutiny for its continued rollback on human rights and non-compliance with EU law. The European Commission launched and moved forward with four formal infringement proceedings following the introduction of legislation deemed incompatible with EU freedoms, and in May the European Parliament adopted a comprehensive resolution expressing alarm at the situation of human rights in the country. More than a quarter of the population remained at risk of poverty and social exclusion and 16% were severely materially deprived.

## REFUGEES AND ASYLUM-SEEKERS

Hungary continued to severely restrict access to the country for refugees and asylum-seekers, limiting admission to its two operational border “transit zones” in which only 10 new asylum applications could be submitted per working day. Consequently, between 6,000 and 8,000 people were left in inadequate conditions in Serbia, in substandard camps and at risk of homelessness and of *refoulement* further south to Macedonia and Bulgaria.

In March, the European Court of Human Rights ruled in *Ilias and Ahmed v. Hungary* that the confinement of asylum-seekers in “transit zones”, essentially heavily guarded container camps at Hungary’s external land borders, amounted to arbitrary deprivation of liberty. The Court also found that, due to the poor conditions in which asylum-seekers were held for weeks and the lack of judicial remedies available against this form of detention, Hungary had failed to provide adequate protection against a real risk of inhuman and degrading treatment.

The same month, a package of amendments to five laws on migration and asylum was passed in the National Assembly, enabling the automatic detention, without judicial review, of all asylum-seekers in border “transit zones”, including unaccompanied minors of 14-18 years of age. These amendments also allowed for the detention of asylum-seekers for the whole duration of their asylum processes, including any appeals, and for the summary expulsion of all irregular migrants found on Hungarian territory to the external side of Hungary’s extensive border fences.

Consequently, most asylum-seekers in Hungary either absconded from the procedure or were detained in the border “transit zones” indefinitely. By the end of the year, almost 500 asylum-seekers were unlawfully detained at the border. The Hungarian authorities denied or provided extremely limited access to human rights monitors and NGOs providing legal aid. These draconian measures were originally supposed to apply during a “crisis situation



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## Honduras

**Country:**

Honduras

**Year:**

2018

**Freedom Status:**

Partly Free

**Political Rights:**

4

**Civil Liberties:**

4

**Aggregate Score:**

46

**Freedom Rating:**

4.0

**Overview:**

Institutional weakness, corruption, violence, and impunity undermine the overall stability of Honduras. Journalists, political activists, and women are often the victims of violence, and perpetrators are rarely brought to justice. While Honduras holds regular elections, irregularities surrounding the 2017 presidential poll prompted election monitors to call the result into question.

**Political Rights and Civil Liberties:**

### **POLITICAL RIGHTS: 20 / 40 (+1)**

#### **A. ELECTORAL PROCESS: 7 / 12**

**A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4**

The president is both chief of state and head of government, and is elected by popular vote to a four-year term. The leading candidate is only required to win a plurality; there is no runoff system.

In a controversial 2015 decision, the Honduran Supreme Court voided Article 239 of the constitution, which had limited presidents to one term. President Juan Orlando Hernández was subsequently reelected in 2017, with the Supreme Electoral Council (TSE) announcing in December—three weeks after the actual poll—that he had taken 42.95 percent of the vote, to opposition candidate Salvador Nasralla’s 41.42 percent. The Organization of American States (OAS) noted numerous issues with the electoral process, which it said “was characterized by irregularities and deficiencies, with very low technical quality and lacking integrity,” and appealed for new elections to be held. The government dismissed the OAS petition, and by year’s end the United States, the European Union (EU), and Canada had recognized Hernández as the winner of the election.

Post-election protests led to clashes between civilians and security forces, resulting in the deaths of more than 20 protesters.

### **A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4**

Members of the 128-seat, unicameral National Congress are elected for four-year terms using proportional representation by department. In the November 2017 polls, the governing National Party (PN) acquired an additional 13 seats, but still fell short of holding a legislative majority. The opposition Liberty and Refoundation (LIBRE) party and Liberal Party (PL) lost seven seats, and one seat, respectively. While the 2017 presidential and parliamentary votes were held concurrently, stakeholders accepted the results of the legislative elections; only the presidential poll was disputed.

### **A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4**

The TSE came under heavy criticism for its administration of the 2017 presidential poll, notably after a preliminary vote count had showed Nasralla with a significant lead, but later announcements and ultimately the final result—which was released three weeks after the elections—showed a victory by Hernández. The delay prompted protests and widespread allegations of TSE incompetence and bias toward the ruling party. As the vote-counting process dragged on, OAS and EU election monitors expressed concerns regarding the lack of transparency and irregularities surrounding the presidential vote, and voiced support for Nasralla’s demand for a recount. The OAS eventually called for the poll to be rerun, but authorities dismissed the recommendation.

## **B. POLITICAL PLURALISM AND PARTICIPATION: 8 / 16**

### **B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

Political parties are largely free to operate, though power has mostly been concentrated in the hands of the PL and the PN since the early 1980s. In 2013, LIBRE and the Anti-Corruption Party (PAC) participated in elections for the first time, winning a significant share of the vote and disrupting the dominance of the PL and the PN. PAC lost all but one of its seats in 2017, but LIBRE maintained its position as the second-largest party in the parliament.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4**

Opposition parties are competitive, and in 2017 opposition candidates took a significant portion of the vote in both the legislative and presidential elections. However, the many serious irregularities surrounding the TSE's administration of the 2017 presidential election prompted EU and OAS election monitors to question the validity of the vote count, and at year's end the opposition continued to insist that a PN-aligned TSE had denied the opposition candidate victory in the presidential race.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4**

The military, after decades of ruling Honduras, remains politically powerful. President Hernández's appointments of military officials to civilian posts, many related to security, have underscored that influence. There were numerous reports of vote buying during the 2017 polling period.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4**

All adult citizens may vote, and voting is compulsory. Ethnic minorities remain underrepresented in Honduras' political system and in the political sphere generally, though there have been modest efforts by the government to encourage their participation and representation. Nongovernmental organizations (NGOs) have also worked to improve minority representation in government. After being criticized for failing to do so in past elections, the TSE in 2017 printed voter information materials in indigenous and Afro-Honduran languages. However, no representatives of the Afro-Honduran (Garifuna) population were elected to Congress in 2017.

Women are also underrepresented in politics. The TSE has struggled to implement parity laws. However, women's rights groups are becoming more visible in the political sphere.

**C. FUNCTIONING OF GOVERNMENT: 5 / 12 (+1)**

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4 (+1)**

In 2014, the Hernández administration eliminated five cabinet-level ministries and created seven umbrella ministries in an effort to cut costs. Critics have argued that the restructuring concentrated power in too few hands.

The opposition's ability to prevent the ruling party from achieving a legislative majority has forced political parties to form coalitions to pass legislation. Recently, a divided legislature successfully proposed and approved a 2017 budget, proposed a 2018 budget, and approved a penal reform package submitted by the government.

While the results of the 2017 presidential election were hotly disputed, stakeholders accepted the results of the year's legislative elections. The new government will be inaugurated in 2018.

**Score Change: The score improved from 1 to 2 due to the ability of the executive and legislative branches to work together to implement policy, and create and approve budgets.**

**C2. Are safeguards against official corruption strong and effective? 2 / 4**

Corruption remains rampant in Honduras, but some safeguards have been implemented to address the issue. The mandate of the Special Commission for Purging and Transformation of the National Police was extended through January 2018, following its success in removing corrupt police officials. However, while thousands of police officers have been removed in connection with the commission's investigations, none of those expelled have been convicted of corruption-related or other crimes.

The Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), which was established in 2016, has since helped facilitate the approval of new anticorruption legislation aimed at preventing illicit campaign donations. However, there are also reports that political elites have taken efforts to undermine or interfere with its work.

**C3. Does the government operate with openness and transparency? 1 / 4**

Government operations are generally opaque. Journalists and interest groups have difficulty obtaining information from the government. Secrecy laws passed in 2014 allow authorities to withhold information on security and national defense for up to 25 years. The laws cover information regarding the military police budget, which is funded by a security tax, as well as information related to the Supreme Court and the Foreign Affairs and International Cooperation Directorate.

## **CIVIL LIBERTIES: 26 / 60 (-1)**

### **D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16**

**D1. Are there free and independent media? 1 / 4**

Authorities systematically violate the constitution's press freedom guarantees. Reporters and outlets covering sensitive topics or who are perceived as critical of authorities risk assaults, threats, blocked transmissions, and harassment. A February 2017 reform to antiterrorism provisions in the Penal Code justified the jailing of journalists for inciting terrorism or hate. The Public Ministry, in a nonbinding opinion issued in June, called the measure unconstitutional.

In January 2017, television reporter Igor Abisaí Padilla Chávez, who typically covered general news and crime in his work, was shot and killed by unidentified attackers. While authorities made numerous arrests in connection with the murder, it was unclear whether any convictions had followed or what the motive might have been. In September, journalist

Carlos Williams Flores, known for his critical assessment of agricultural companies in the Northern Triangle border region, was shot and killed by hit men on motorcycles in Tegucigalpa.

**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4**

Religious freedom is generally respected in Honduras.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4**

Academic freedom is undermined by criminal groups, who control all or parts of schools in some areas and subject staff to extortion schemes. Authorities sometimes move to suppress student demonstrations by arresting participants and dispersing the events, and violent clashes between police and student protesters sometimes occur. Several such clashes took place in May and June 2017 at the National Autonomous University of Honduras (HNAH), leading to a number of arrests and injuries.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4**

Under the Special Law on Interception of Private Communications, passed in 2011, the government can intercept online and telephone messages. Violence, threats, and intimidation by state and nonstate actors curtails open and free private discussion among the general population.

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12 (-1)**

**E1. Is there freedom of assembly? 1 / 4 (-1)**

Freedom of assembly is constitutionally protected, but demonstrations are often met with a violent police response. In late December, following the elections, mass demonstrations erupted at which participants called for greater transparency in the presidential vote count by the TSE. More than 20 protesters were killed in the ensuing police crackdown, and hundreds were arrested. In December, authorities instituted a 10-day curfew in response to the unrest.

**Score Change: The score declined from 2 to 1 due to a deadly police crackdown on demonstrators protesting opaque vote-counting procedures following the presidential election, and the subsequent enforcement of a 10-day curfew.**

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 1 / 4**

Nongovernmental organizations and their staff face significant threats, including harassment, surveillance, smear campaigns aimed at undermining their work, detention, and serious violence. Reforms to the Penal Code enacted in 2017 raise the possibility of NGO workers being charged under broadly worded antiterrorism provisions.

In 2016, prominent indigenous rights leader Berta Cáceres was shot to death in her home, after receiving more than 30 death threats connected to her opposition of a dam project on indigenous lands. The investigation into her killing continues, but has been criticized by independent investigators as inadequate.

### **E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4**

Labor unions are well organized and can strike, though labor actions have resulted in clashes with security forces. The government does not always honor formal agreements entered with public-sector unions. Union leaders and labor activists in both the public and private sector face harassment and dismissal for their activities. Operators of factories that employ unionized workers have threatened to shutter operations in response to union activities.

Threats and attacks against union leaders continued in 2017. In April, union leader Moises Sanchez Gomez and his brother Hermes Misael Sanchez Gomez said they were attacked by men wielding machetes in connection with their labor activism.

## **F. RULE OF LAW: 5 / 16**

### **F1. Is there an independent judiciary? 1 / 4**

Political and business elites exert excessive influence over the Honduran judiciary, including the Supreme Court. Judicial appointments are made with little transparency. Judges have been removed from their posts for political reasons, and a number of legal professionals have been killed in recent years. Prosecutors and whistleblowers handling corruption cases are often subject to threats of violence.

In a controversial move in 2012, Congress voted to remove four of the five justices in the Supreme Court's constitutional chamber after they ruled a police reform law unconstitutional. In 2013, the legislature granted itself the power to remove from office the president, Supreme Court justices, legislators, and other officials. It also curtailed the power of the Supreme Court's constitutional chamber and revoked the right of citizens to challenge the constitutionality of laws. These moves laid the groundwork for the controversial 2015 constitutional change that allowed for the reelection of Juan Orlando Hernández in 2017.

### **F2. Does due process prevail in civil and criminal matters? 2 / 4**

Due process is limited due to a compromised judiciary and a corrupt and often inept police force, in which many officers have engaged in criminal activities including drug trafficking and extortion. The government has increasingly utilized the armed forces to combat crime and violence. Arbitrary arrests and detentions are common, as is lengthy pretrial detention. Authorities in the armed forces have dishonorably discharged members accused of rights violations before their trials have taken place.

An investigation into the murder of indigenous rights leader Berta Cáceres continued in 2017, and by October, eight people had been arrested in connection with it, including an active-duty member of the military and two officials with a company constructing the

hydroelectric dam Cáceres had opposed. However, independent investigators have called the government's investigation inadequate, and claimed that the government has further evidence implicating both state officials and the construction company, Desarrollos Energeticos, but has not acted on it.

In 2017, authorities established several new courts in an attempt to address lengthy trial delays. Attorney General Oscar Chinchilla has won praise since taking office in 2013 for prosecuting organized crime figures and corrupt politicians.

### **F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4**

While the homicide rate declined in 2017—standing at roughly 46.5 people per 100,000, compared to 60 per 100,000 in 2016—violent crime and gang violence remain serious problems, and have prompted large-scale migration out of Honduras. Many parents opt to send their children towards the United States to avoid gang recruitment, and those who return to their neighborhoods are often targeted by gangs, and in some cases, killed for fleeing the community.

In response to widespread violence, the government has empowered the Military Police of Public Order (PMOP) and other security forces to combat security threats, and these units often employ excessive force when conducting security operations.

Prisons are overcrowded and underequipped, and many inmates are pretrial detainees. Prison violence remains rampant due in large part to the presence of gangs.

### **F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4**

Violence and discrimination against LGBT people and indigenous and Garifuna populations persist, and while antidiscrimination laws are on the books, in practice victims of such abuses have little recourse. Rights groups have reported more than 200 murders of LGBT people since 2009.

Honduras has among the highest femicide rates in the world, and few such murders are investigated. The Center for Women's Rights, a Honduras-based NGO, reported that 236 women were murdered between January and October 2017, categorizing the victims as having been killed in connection with commercial sexual exploitation, sexual abuse, or domestic violence.

## **G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16**

### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

While authorities generally do not restrict free movement, Honduras's ongoing violence and impunity have reduced personal autonomy for the country's residents. Those living in gang-controlled territories face extortion, and dangerous conditions limit free movement and options for education and employment.

**G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4**

Corruption, crime, and gang activity inhibits the ability to conduct business activities freely, and dissuades entrepreneurs from establishing new businesses. Those who work in the transportation sector (taxi and bus drivers) are notable targets of gangs, but many are unable to flee for fear of retaliatory violence against themselves and their families.

**G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4**

Same-sex marriage remains illegal in Honduras. Domestic violence remains widespread, and most such attacks go unpunished.

**G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4**

Lack of socioeconomic opportunities combined with high levels of crime and violence limit social mobility for most Hondurans. High levels of youth unemployment combined with lack of proper education help to perpetuate the cycle of crime and violence.

Human trafficking is a significant issue in Nicaragua, which serves as a source country for women and children forced into prostitution; adults and children are also vulnerable to forced labor in the agriculture, mining, and other sectors, and as domestic servants.

**Source URL:** <https://freedomhouse.org/report/freedom-world/2018/honduras>