



HONDURAS

CAPITAL: Tegucigalpa

POPULATION: 7.1 million

GNI PER CAPITA: \$1,200

SCORES	2005	2007
ACCOUNTABILITY AND PUBLIC VOICE:	3.81	3.97
CIVIL LIBERTIES:	3.88	3.74
RULE OF LAW:	3.35	3.56
ANTICORRUPTION AND TRANSPARENCY:	2.96	3.14

(scores are based on a scale of 0 to 7, with 0 representing weakest and 7 representing strongest performance)

Orlando J. Perez

INTRODUCTION

For most of its history, Honduras has been among the poorest nations in Latin America. It has a per capita income of US\$1,200, about two-thirds of its seven million people live in poverty, and income is very unequally distributed. The UN Development Programme's Human Development Index in 2006 ranked Honduras 117 out of 177 countries.¹ The country also suffers from high unemployment and underemployment. It has been subject to political and military domination by its neighbors, its economy is dependent on foreign banana companies, and its population is relatively uneducated. Nevertheless, since 1982, when the military returned to the barracks, Honduras has made great strides toward democratic governance. The process, however, is by no means complete.²

Orlando J. Perez is a Professor of Political Science at Central Michigan University in Mount Pleasant, Michigan. He teaches courses in comparative politics, Latin American politics, and U.S.–Latin American relations. His work has appeared in the *Journal of Interamerican Studies and World Affairs*, *Hemisphere*, *South Eastern Latin Americanist*, *Political Science Quarterly*, and *Journal of Political and Military Sociology*. He received his M.A. and Ph.D. in political science from the University of Pittsburgh.

2 COUNTRIES AT THE CROSSROADS

In the 1990s, Honduras benefited from regional peace and cooperation as it worked to make its economy viable and independent of U.S. aid. In 1992, the government concluded an agreement with El Salvador that largely settled the border controversy between the two countries; the last disputed section of the border was demarcated in 2006. Late in 1998, Honduras was devastated by Hurricane Mitch, one of the worst natural disasters of the century in the Western Hemisphere. The storm left 5,600 people dead and thousands missing, devastated the road network and other public infrastructure, crippled key sectors of the economy, and destroyed several thousand schools and nearly 83,000 homes. Mitch was estimated to have caused more than US\$3 billion in damage in Honduras alone.

According to data from the World Bank, the percentage of the population living below the poverty line went from 74.8 percent in 1991 to 63.3 percent in 2002, while the portion of the population living in extreme poverty went from 54.2 percent in 1991 to 45.2 percent in 2002. The reduction in poverty was greater in urban areas, where both extreme and total poverty declined, than in rural areas, where total poverty fell but extreme poverty actually increased between 1991 and 2002.³

Honduras has experienced a rise in violence due to its growing role as both a transit point and a final destination for small arms from Guatemala, El Salvador, and Nicaragua.⁴ Crime has also flourished as a result of the activities of semi-organized youth gangs known as *maras*, which have spread throughout the country. The *maras* are structured on gangs of Salvadoran youth in the United States, which spread to Guatemala and Honduras through El Salvador, and continue to maintain links to the United States.

While progress toward democracy has been achieved, significant problems remain. They relate primarily, though not exclusively, to the lack of accountability within the judicial system and supporting agencies such as the police. Particularly troubling issues include arbitrary, extrajudicial executions; poor prison conditions and frequent detainee abuse; a culture of impunity for violations of human rights; a lack of judicial independence; discrimination against indigenous people and homosexuals; and minimal labor law enforcement.

ACCOUNTABILITY AND PUBLIC VOICE

FREE AND FAIR ELECTORAL LAWS AND ELECTIONS:	4.75
EFFECTIVE AND ACCOUNTABLE GOVERNMENT:	2.75
CIVIC ENGAGEMENT AND CIVIC MONITORING:	4.00
MEDIA INDEPENDENCE AND FREEDOM OF EXPRESSION:	4.38
CATEGORY AVERAGE:	3.97

Citizens have the constitutional right to change their government peacefully in periodic, free, and fair elections in which the president, vice president, and members of the National Congress are chosen by universal suffrage. The executive branch in Honduras, headed by a president who is elected by a simple majority, has traditionally dominated the legislative and judicial branches of government. After two successive Liberal governments, the National Party came to power in 2002; the Liberals returned in 2005, with Jose Manuel Zelaya Rosales as president.

One of the biggest challenges facing the future of Honduran politics is the fact that the two traditional, dominant parties, the Liberal Party of Honduras (PLH) and the National Party of Honduras (PNH), emphasize voting based on personalities and regionalism rather than platform and ideology, which are similar in the two parties. Thus, voters have been presented with little real choice.

The 2005 election was the seventh democratic ballot held since 1982, and despite extensive confusion in the vote count, which resulted in Nationalist candidate Porfirio Lobo Sosa refusing to concede for ten days, it was generally considered free and fair. Observers from the Organization of American States (OAS) noted some irregularities but no systematic fraud. In May 2004, a new Electoral Law was passed in an attempt to make elections more democratic.⁵ For the first time in Honduran history, internal party primaries were held as a way to nominate candidates; moreover, 30 percent of all candidates were supposed to be women, although none of the parties followed this provision to the letter.⁶ The new law abolished the old National Electoral Tribunal, which was dominated by the traditional parties, and replaced it with a Supreme

Electoral Tribunal appointed by the National Congress.⁷ Additionally, the new law changed the manner of voting in congressional elections, allowing citizens in each of the country's eighteen departments to cast ballots for several individual candidates, potentially from different parties, rather than choosing a single party list.

Honduras has five registered political parties: the PNH, the PLH, the Social Democrats (Partido Innovacion Nacional y Social Democata, PINU-SD), the Christian Democrats (Partido Democata-Cristiano, DC), and Democratic Unification (Partido Unificacion Democatica, UD). The PNH and PLH have alternately ruled the country for decades. In this deeply entrenched party system, traditional community and family allegiances generally dominate voting decisions. This is reflected in the poor level of platform development and weak discourse in election campaigns, with little substantive discussion about critical issues such as poverty and vulnerability to natural disasters. Political finance rules were modified in 2004 to include more transparency and increased public funding, but Transparency International reported that the changes have yet to be put into practice.⁸ Members of the Honduran congress, especially those from the PNH and PLH, are generally seen as more beholden to their respective party leaders than to the electorate, and their actions tend to serve the interests of the country's highly concentrated political and economic elite.⁹

In a recent article, Ismael Moreno described the Liberal Party as a federation of parties that are clearly in competition and confrontation with each other, as evidenced by the seven different candidates who contested the party primaries in February 2005.¹⁰ Upon winning the election, Zelaya divided power among these many factions rather than trying to assert control over them. This has had negative effects on the capacity of the government to develop and implement a cohesive agenda. Governance was further undermined when the incoming administration adhered to the partisan tradition of replacing the bulk of the civil service, agency, and institution heads at every level, including basic posts. The purge left the government seriously depleted of experienced and capable officials and has effectively prevented continuity in the majority of public policies. As a report from the Center for Global Development stated, "Both [Inter-American Development Bank] and World Bank have experienced significant stoppages to their programs

. . . in past political transitions in Honduras. One World Bank official explained that disruptions in Honduras are among the worst in the region . . . everyone from ministers to entry-level technocrats turns over every four years.”¹¹

Underscoring the shortcomings of this system, a major shakeup of the cabinet occurred in January 2007. Several ministers were dismissed after an assessment conducted by the Ministry of the Presidency—at the direction of the president—found a number of deficiencies and instances of administrative waste.¹² Meanwhile, as there is little cohesion in Zelaya’s cabinet or within the Liberal Party in Congress, the legislative process has become an arena for contesting interests, and various cross-party pacts have been made to get required legislation passed.

The status of civil society in Honduras remains tenuous. While non-governmental organizations (NGOs) and other groups are allowed to operate, these groups complain of onerous registration requirements and government interference in their work. Moreover, with the exception of some business groups, the government has generally exhibited little inclination to take the views of civil society into account when formulating policy. The significant presence of international donors, however, has led to an increase in pressure on the government to increase cooperation with civil society.¹³

Freedom of speech and of the press are constitutionally protected; however, the government generally does not respect these rights in practice. On a positive note, on May 9, 2005, the Supreme Court declared that the defamation law, which had criminalized criticism of public officials and created a “special realm of protection” around them, was unconstitutional. The court held that provisions of the law violated both national and international norms concerning freedom of expression.¹⁴ Nonetheless, restrictive press laws are still often used to subpoena journalists for reporting on official corruption, drug trafficking, and human rights abuses.

President Zelaya often criticizes the media when he perceives news reports as being unfriendly to his government. He has accused journalists of exaggerating the government’s mistakes and minimizing its accomplishments. During 2006, journalists faced a number of legal prosecutions from political figures. On September 4, Ernesto Rojas, a reporter for Radio San Pedro, was sued by city council member

Guillermo Villatoro Hall, while Francisco Romero, a reporter on the program “Hablemos de Noche de Honduras,” was sued by Yansen Juarez, the national coordinator of programs and projects in the Ministry of Public Education. Both suits were considered to be on charges of harassment.

The number of threats and physical attacks against journalists has generally diminished, but some incidents did occur in recent years, particularly following the publication of articles on organized crime or corruption. In July 2005, unidentified individuals in San Marcos de Ocotepeque tried to kill radio journalist Jose Aleman by firing several shots at him as he was returning home from the station. Aleman revealed that he had received death threats after reporting on problems with the water supply for the community. Politically motivated attacks against the press were common as well. On November 5, 2005, Liberal Party supporters forced the temporary closure of Virtud Stereo radio and made death threats against its manager, Jaime Diaz, as a result of party rivalry during the election. In April 2006, Liberal Party representative Romualdo Bueso Melghem tried to strangle community journalist Martha Vasquez during a public meeting. Vasquez is a contributor for the website Indymedia.com. Separately in April, Wendy Guerra, host of the Santa Rosa de Copan city-based Channel 49 news program “Denuncias 49,” was fired following political pressure felt by the station’s manager, who is a member of the Liberal Party. In May, Guerra was rehired after a public outcry.

Honduras has around nine daily papers, including the popular *El Heraldo* and *El Tiempo*. There are six private television stations and five nationally broadcasting radio stations—one state owned and four independent. Although both print and broadcast outlets are predominantly privately owned, media ownership is concentrated in the hands of a few powerful business conglomerates with intersecting political and economic ties; this has led to self-censorship. Corruption among journalists also has an unfavorable impact on reporting. In addition, the government influences media coverage through bribes, the granting or denial of access to government officials, and selective placement of official advertisements. The government did not restrict access to the internet; however, less than 5 percent of the population used the internet in 2006.

Recommendations

- The 30 percent quota for female candidates mandated by the new Electoral and Political Organization Law should be enforced.
- The Electoral Law should be amended to enhance the level of representation in Congress through the election of deputies by districts.
- Regulations on political party and campaign financing in the new Electoral Law should be enforced and additional safeguards implemented to ensure fair and competitive electoral processes.
- Media ownership concentration should be monitored, and independent media outlets and journalists should be protected against intimidation and harassment. Police and judicial independence must be guaranteed in the investigation and resolution of cases involving harassment of independent, rural, and indigenous media outlets.
- Reforms of the Civil Service Law are needed to significantly reduce partisan influences on government employees, particularly in low- and mid-level positions. The government should amend the Civil Service Law and its regulations to ensure equity and objectivity in the selection of applicants for civil service posts.

CIVIL LIBERTIES

PROTECTION FROM STATE TERROR, UNJUSTIFIED IMPRISONMENT, AND TORTURE:	2.71
GENDER EQUITY:	3.25
RIGHTS OF ETHNIC, RELIGIOUS, AND OTHER DISTINCT GROUPS:	2.75
FREEDOM OF CONSCIENCE AND BELIEF:	6.00
FREEDOM OF ASSOCIATION AND ASSEMBLY:	4.00
CATEGORY AVERAGE:	3.74

Honduras is plagued by violations of civil liberties, including unlawful killings by police and former members of the security forces, detainee abuse by security forces, the disappearance of dissidents, lengthy pretrial detention, and lack of due process of law. Government corruption, impunity for lawbreakers, and gang violence exacerbate these problems.

In November 2004, Honduran President Ricardo Maduro took the first step toward accepting state responsibility for the security forces' violations of human rights beginning in the 1980s. Complying with previous decisions by the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights, he apologized for the 1992 extrajudicial killing of Juan Humberto Sanchez and the 1995 disappearance of Dixie Miguel Urbina. He also reported the establishment of an Inter-Institutional Commission on Human Rights for the country, and promised to ensure well-funded investigations and progress reports for victims' family members. Human rights groups and the media, while hailing the developments, voiced skepticism about whether the government would follow through on its pledges.¹⁵ Two years later, little concrete action had been taken, and allegations of new abuses continue to be reported.

In the country's prisons, inmates endure overcrowding and unsanitary conditions. A total of some 13,000 prisoners are housed in facilities with an intended capacity of 6,000, and all but one of the facilities were originally built for other purposes, including military barracks, schools, and offices. Poor urban and rural residents are disproportionately represented in the prison population, with only a small minority from the middle and upper classes. Rape and other prison violence are common, and guards are subject to bribery by inmates, enabling escapes and the smuggling of contraband including weapons and drugs. Because *mara* members are often sequestered from other inmates and offered no rehabilitation, they are more likely to continue their criminal activity.¹⁶ The presence of such gangs contributes to large-scale riots, uprisings, and arson. A May 2004 blaze at the San Pedro Sula prison killed 107 gang members, and the resulting investigation remains unresolved to date.

Gang violence is one of the most serious problems facing the country, and Honduras has one of the highest crime rates in Central America. There were 36,000 gang members in Honduras at the end of 2003, according to police statistics. A new Anti-Mara Law went into effect in August 2003, amending Article 332 of the criminal code. It aimed to combat the rise in youth violence by rounding up gang members for "illicit association," and allowed police to detain youths merely for appearing to belong to gangs—due to tattoos or other insignia—and gathering in their neighborhoods.¹⁷ Thus, one effect of the Anti-Mara Law

has been a fresh surge in the prison population. Moreover, the law restricts freedom of assembly and association, contradicting provisions of the constitution and international treaties. Since its promulgation, it is estimated that more than 1,000 mareros have been arrested and imprisoned, though the majority of them have never faced trial.¹⁸

On December 23, 2004, twenty-eight people were massacred on a public bus in San Pedro Sula. While President Maduro claimed that the massacre was a gang retaliation for his crackdowns, others suggested that the killings were part of a turf battle between the Mara Salvatrucha and M-18 gangs.¹⁹ Two Mara Salvatrucha members were convicted of the crime in February 2007, but two others were acquitted due to lack of evidence, and other possible suspects remained at large. Juan Bautista Jimenez, a gang leader who was believed to have ordered the attack, was found hanged to death in prison in early 2005.²⁰

The Zelaya government, after an initial move away from hard-line tactics and toward dialogue and rehabilitation programs, has recently taken action to crack down on the gangs, arresting hundreds in September 2006. Zelaya also proposed doubling the size of the existing police force and forming an elite special forces unit. The latter plan drew criticism for potentially militarizing the civilian police.²¹

The Violence Observatory at the National Autonomous University of Honduras issued a report on the number of violent deaths—including homicides, traffic accidents, and suicides—in Honduras in 2006. The report found that the number of homicides had increased by 24.9 percent from 2005 to 2006, and that of the 4,736 violent deaths in 2006, an overwhelming 3,018 were homicides. This made the homicide rate 46.2 for every 100,000 Hondurans.²² President Zelaya announced on August 30, 2006, a new plan to stem the tide of violence. Operacion Trueno (Operation Thunder) was designed to develop close cooperation between police, military, and private security forces. In the first days of action in September, the program made the headlines for operations in which security forces detained more than 100 “delinquents” in a single night. Operacion Trueno will add 30,000 to 60,000 “often untrained and mainly unregulated private security [personnel] . . . to bolster 10,000 experienced and usually better-trained Honduran armed service personnel as well as 8,000 police officers who are now thinly spread across the country,” according to the Council on Hemispheric Affairs.²³

Similar, repeated efforts to apply a strong-arm solution to the problems of crime and youth gangs have previously failed to stem the tide of criminal activity, and in most cases have made things worse.

At the beginning of 2007, the UN Committee on the Rights of the Child examined Honduras' compliance with the convention, and expressed concern over the high number of disappearances and extrajudicial killings of minors, and the lack of response from both the state and the public. The committee urged the government to curb mara-related violence through education, gang prevention, and rehabilitation programs, as well as a renewed focus on the abundance of firearms in the country.²⁴

Violence against women is rampant in Honduras. Special domestic violence courts were reportedly overwhelmed by the tens of thousands of complaints received in recent years. Amnesty International reports that, according to the special prosecutor for women's affairs, nearly a third of the women who submitted domestic abuse complaints were eventually killed by their abusers.²⁵ The special prosecutor in January 2007 announced the formation of investigative units in the capital and six other cities that would be devoted to solving murder cases with female victims. In 2006, 171 women were killed.²⁶

The Women's Movement for Peace has argued that judicial bias consistently favors male perpetrators in domestic-violence cases. The group reported in late 2006 that alleged victims had won only 204 of the 6,628 suits filed that year, noting that wealthy and powerful men were especially likely to prevail in court. Gladys Lanza, the organization's coordinator, listed a number of public officials who had faced allegations of domestic abuse.²⁷ The constitution and laws prohibit gender-based discrimination in employment, but the regulations are often ignored. Patriarchal attitudes pervade employment practices, and the state does not do enough to curtail abuses or enforce the law. The majority of women hold low-skilled jobs, primarily as domestic workers or in maquiladoras.

Discrimination and violence against gays and lesbians is rampant. In a March 2007 case reported by Amnesty International, gay rights activist Donny Reyes was severely abused in police custody in Tegucigalpa. He was allegedly beaten by the officers who detained him, then assaulted and raped by other detainees in a jail cell over the course of several hours, with the alleged encouragement of police.²⁸

At least 7 percent of the population of Honduras is considered part of an indigenous group, amounting to more than 500,000 people. Article 346 of the Honduran constitution states that “it is the duty of the government to protect the rights and interests of existing indigenous communities in the country, especially with respect to the land and forests where they are settled.”²⁹ However, the state has not fully enforced those rights. Indigenous groups have been subject to intimidation, violence, and harassment, and some activists are imprisoned, tortured, and killed. In addition, the government has failed repeatedly to protect indigenous land rights. In March 2007, the Civic Council of Popular and Indigenous Organizations (COPINH) reported a recent incident in which local officials and heavily armed police allegedly used force and arson to disperse an indigenous Lenca community on behalf of a landowner. The officers, overseen by a public prosecutor and local police commissioner, reportedly burned forty homes and a coffee nursery at the settlement, located about eighty kilometers northwest of the capital. The blazes spread to adjacent forests and scorched some 800 acres, COPINH said.³⁰

Environmental groups have also become targets of harassment and intimidation, particularly by landowners and logging interests. After President Zelaya announced a ban on logging in parts of Olancho province in May 2006, environmentalists reported receiving multiple death threats, presumably because they had campaigned for the new restrictions. The Environmental Movement of Olancho (MAO) soon asked the Inter-American Commission on Human Rights to compel Honduran authorities to protect its personnel. However, two MAO leaders were shot to death in the main plaza of the town of Guarizama in December 2006, and the organization claimed that the national police had summarily executed them. One of the victims, Heraldo Zuniga, told witnesses at the scene that employees of the Sansone logging firm had hired a police sergeant to kill him. Two days after the men’s deaths, the human rights commission ordered officials to provide security for MAO activists.³¹

The Honduran constitution protects freedom of religion.³² Roughly 80 percent of the population is believed to be Roman Catholic, although Protestant denominations have apparently been expanding in recent years. There is little serious friction between religious groups.

The Honduran constitution guarantees both freedom of association and freedom of assembly. Trade union rights have been an area of conflict; workers attempting to organize often face intimidation, blacklisting, and other forms of retribution. Banana plantations and the *maquila* export processing zones are particularly conflictive areas with respect to labor rights.

Hondurans are generally able to utilize their right to protest and numerous demonstrations occurred in the last two years, many involving environmental and indigenous activists. Some activists have denounced the “illicit association” element of the anti-mara laws, which is ambiguous enough to be used against non-mara groups, including the oft-persecuted gay community.

Recommendations

- The Anti-Mara Law should be revised so as to enhance due process protections, particularly habeas corpus rights, and reduce pretrial and arbitrary detentions.
- A concerted effort must be made to remedy the deplorable conditions in the nation’s prison system. Particularly important is alleviation of overcrowding and elimination of harassment and abuse of prisoners. Efforts should be made to promote policies aimed at rehabilitation and prevention rather than focusing exclusively on incarceration.
- Significant resources should be dedicated to preventing domestic violence. The Law Against Domestic Violence should be revised so that judges oversee the law’s implementation and perpetrators face serious criminal penalties instead of community service, which the law currently prescribes.
- The government should immediately implement the Law for Integrated Youth Development and the National Youth Policy Proposal (Ley Marco para el Desarrollo Integral de la Juventud y Propuesta de Política Nacional de Juventud), an initiative aimed at dealing with youth and gang violence that was approved in September 2005 but has yet to be fully funded or implemented.
- The government must protect indigenous communities’ efforts to organize and mobilize in support of their constitutional rights in the face of assault by private landowners and businesspeople. It is particularly important to stop police and judicial authorities from intimidating and harassing indigenous activists.

- The government must provide greater protection for threatened environmental and social activists and ensure prompt and effective prosecution of those accused of killing or intimidating them.

RULE OF LAW

INDEPENDENT JUDICIARY:	3.20
PRIMACY OF RULE OF LAW IN CIVIL AND CRIMINAL MATTERS:	3.33
ACCOUNTABILITY OF SECURITY FORCES AND MILITARY TO CIVILIAN AUTHORITIES:	3.25
PROTECTION OF PROPERTY RIGHTS:	4.00
EQUAL TREATMENT UNDER THE LAW:	4.00
CATEGORY AVERAGE:	3.56

The judicial branch of government in Honduras is subject to intervention and influence by both the elected branches and wealthy private interests. Incoming presidential administrations commonly ensure the replacement of judicial officeholders with their own appointees, and pervasive corruption enables the manipulation of court decisions by outside actors. The rule of law is further undermined by the government's general failure to protect the public from violent crime and police abuses, and the lack of physical security in turn encourages vigilantism and other forms of lawbreaking. According to one report, less than a fifth of the population trusts the justice system, with rural residents and the lower classes expressing the least confidence.³³

The judiciary is administered by the fifteen-member Supreme Court of Justice, which is also the country's highest court of appeal. The court submits the budget for the judicial branch to the National Congress for approval, governs the organization of judicial districts, and oversees the public defender service. Supreme Court judges are elected for seven-year terms by the Congress, leaving them dependent on political support and patronage. Since the court, and specifically its president, is responsible for appointing and dismissing subordinate judges, this political influence extends into the lower courts and affects job security. Appointments and promotions are often made in violation of legal and ethical guidelines and without regard to merit. Judges at all levels commonly ignore

the official code of ethics, which also applies to attorneys and their clients.³⁴

The constitution contains ample and detailed provisions to ensure the protection of fundamental criminal-procedure rights. Warrants are required for arrests unless the suspect is caught in the act (Article 84). Detention without charges is limited to twenty-four hours without a judge's order, or up to six days with court approval (Article 71). Suspects are guaranteed legal aid, protection against coerced self-incrimination, and the presumption of innocence (Articles 83, 88, and 89).³⁵ However, many of these provisions are not fully enforced or are enforced in the breach, particularly with respect to gang members.

The criminal procedure code that took effect in February 2002 replaced the inquisitorial system with one based on the adversarial model, leading to greater transparency and a reduction in procedural delays. The proportion of prisoners held without sentence fell from 76 percent to 62 percent between 2002 and March 2006.³⁶ Despite such improvements, many problems remain, such as deplorable prison conditions, inordinately long pretrial detention, and the woefully inadequate public defenders' office. These issues continue to delay and too often deny justice for many Honduran citizens.

The National Human Rights Commission in Honduras received 9,390 complaints of human rights violations in 2006, including illegal detention, abuse of authority, and due process violations. Although justice officials and education personnel were listed among the accused perpetrators, security agencies were the subjects of the most complaints.³⁷

The transition from military to civilian rule and the subsequent establishment of civilian control over the military has proceeded steadily, if not always smoothly, for a quarter of a century. Fearful of the impact of the Sandinista revolution in Nicaragua and apprehensive about the U.S.-supported military build-up in El Salvador, both the military and the traditional political class went to great lengths to accommodate the United States during the 1980s.³⁸ The military has stayed in the barracks since 1982; during this time, and particularly since the turn of the century, civilian control has increased considerably. Control of the military budget, however, has ensured that the military continues to hold influence in the Honduran economy.³⁹

Honduran security forces have still largely not been held accountable for human rights abuses inflicted during the 1980s. After a visit to the country at the end of January 2007, the UN Working Group on Enforced Disappearances noted that the lack of serious investigation had resulted in de facto amnesty for past rights abusers. Notably, unlike in some Latin American countries, there is no specific crime for forced disappearance in Honduras, making the investigation and prosecution process more difficult. According to Honduran special prosecutor Sandra Ponce, however, the government was working on a bill to criminalize forced disappearance.⁴⁰

Protection of property rights is weak in Honduras. The shortcomings of the judiciary, along with an outdated commercial code, make enforcing contracts a difficult and time-consuming process. The government has begun to make improvements in intellectual property protection and the civil procedures code, largely as a result of its obligations under the Central American Free Trade Agreement (DR-CAFTA) with the United States.⁴¹ Starting with the 1962 agrarian reform law, Honduras has a history of land redistribution from large estates to small-scale farmers. These reforms, however, have been largely negated in recent decades, especially after the passage in 1992 of the Law for Agrarian Modernization. Despite the predominantly rural landscape of Honduras, peasants have limited or no access to land ownership, a situation which continues to cause conflict and occasional land invasions.⁴²

Recommendations

- The Judicial Career Law should be amended to protect against discrimination and the distortion of objective criteria in the selection of judicial officials.⁴³
- The Justice Ministry should be provided with its own investigative police force to strengthen the investigation capacities of the public prosecution and to help ensure guarantees for defendants.
- The state should fully enforce the new criminal procedure code, which will ensure the release of all detainees held under the old code who have been acquitted in the first instance.
- Public defenders should be provided with improved training and material resources, such as offices, computers, and vehicles, in order to function more effectively.

ANTICORRUPTION AND TRANSPARENCY

ENVIRONMENT TO PROTECT AGAINST CORRUPTION:	3.20
EXISTENCE OF LAWS AND ETHICAL STANDARDS BETWEEN PRIVATE AND PUBLIC SECTORS:	3.25
ENFORCEMENT OF ANTICORRUPTION LAWS:	3.25
GOVERNMENTAL TRANSPARENCY:	2.86
CATEGORY AVERAGE:	3.14

Corruption in Honduras is deeply rooted and present at all levels of society. Approximately US\$526.3 million is lost to corruption annually, challenging the nation's ability to achieve sustained progress in the political, social, and economic spheres.⁴⁴ The country's entrenched culture of impunity has many interrelated causes, ranging from a restricted media, low levels of citizen participation, and lack of transparency to institutional shortcomings such as weak judicial independence and unaccountable legislators. In a country as poor as Honduras, the undermining of the rule of law and the transfer of funds from development projects to the pockets of corrupt individuals carries particularly pernicious effects.⁴⁵

According to the 2007 Index of Economic Freedom produced by the Heritage Foundation and the *Wall Street Journal*, Honduras's economy is 60.3 percent free, making it the world's 76th freest economy among 157 nations.⁴⁶ The report praises the level of fiscal and financial freedom in the country as well as its tax levels and a slowly improving banking sector. Negatives include weak property rights and low levels of business freedom, including difficulties related to commercial licensing and business closure costs.⁴⁷

The 2006 Transparency International Corruption Perceptions Index gives Honduras the fifth worst score in the Western Hemisphere, 2.5 out of 10, a level indicative of uncontrolled corruption. This leaves Honduras with a ranking of 121 out of 163 countries in the survey. Honduras's score in 2005 had been slightly better, at 2.6 out of 10.⁴⁸

On November 23, 2006, the Honduran Congress passed the Transparency and Access to Public Information Law, becoming the sixth Latin American country to adopt such a law.⁴⁹ The law established the National Institute for Access to Public Information (IAIP) as the clear-

inghouse for processing citizens' information requests.⁵⁰ While the principle behind the law was lauded by many civil society groups, they pointed to numerous loopholes that will allow the government to shield large numbers of documents from public scrutiny, especially in the name of national security. Government ministers will also be able to restrict any document that is believed to also threaten economic stability or governance. Other major drawbacks include restrictions on information about humanitarian aid, ambiguous provisions regarding the purging files, the weakness of the IAIP, and the inapplicability of the law to large numbers of high-ranking officials.⁵¹

On February 10, 2007, an estimated 30,000 Hondurans marched in Tegucigalpa to protest corruption and demand transparency. The high attendance lost some of its power, however, following allegations that at least 2,000 people had been paid by the Liberal Party to participate in the march and provide assurances that cheers would outweigh heckles when President Zelaya spoke.⁵²

Corruption among the police remains alarmingly high. Police involvement in drug trafficking, extrajudicial killings, and intimidation of human rights groups remains a major problem. More than fifty police officers have been removed or prosecuted for involvement in corrupt activities ranging from taking bribes to murder. Police corruption seems to be worse in rural areas, where officers are routinely used by landowners, large corporations, or prominent politicians to intimidate political opponents or social activists.

A report by the Federation of Organizations for Development in Honduras (FOPRIDEH) revealed that the four government institutions with the highest number of corruption-related media stories in 2006 were the Executive Directorate of Income (the revenue collection agency), municipal governments, the immigration agency, and the justice ministry. One of the major scandals during 2005 and 2006 was the so-called *gasolinazo*, in which 500 tankers of gasoline were brought into the country illegally, costing the government about 67 million lempiras (US\$3.5 million) in taxes. Reports indicate that officials of the National Agrarian Institute linked with the then ruling National Party benefited from the operation.⁵³ Another area of concern was the selling of Honduran visas by immigration officials to ineligible foreign citizens so they could obtain entry into the United States. In 2006, the U.S. government suspended the issuing of entry visas in Honduras until Honduran

officials provided assurances that firm steps would be taken to curb corruption in the immigration agency.⁵⁴ Despite some limited efforts to that end, immigration and customs services remain among the most corrupt agencies in the Honduran government.

While Honduras has laws to protect civil servants and to promote transparency in government procurement processes, many of them are lightly enforced, lack teeth, or are contradictory. In general, Honduras lacks adequate mechanisms for auditing public accounts. The Superior Court of Accounts is not fully equipped to handle all of the responsibilities the law requires. Additionally, conflict-of-interest regulations are poorly enforced, and private-sector influence on government continues to distort public policy decisions. The Honduran budget process was judged by the Open Budget Initiative to be only “minimally” open, with little information provided to citizens by the executive, and no public hearings.⁵⁵ Restraints on the media and the lack of specific and effective legislation to protect whistle-blowers also make the reporting of corruption less likely.⁵⁶

Recommendations

- The Law of Transparency and Access to Public Information should be revised to close loopholes and contradictions that permit the classification of large numbers of documents that should be available for public scrutiny. These reforms should be accompanied by stronger mechanisms for public participation and scrutiny of government decisions.
- Significant efforts should be made to stem the tide of corruption in the national police force. The government of Honduras should fully implement Article 8 of the Organic Law of the National Police, which calls for an Internal Affairs Unit under the direct supervision of the minister of security and with independent powers to investigate illegal and corrupt actions by police officers. The unit should also be able to coordinate its investigative activities with the Justice Ministry in order to ensure that crimes by police officers are swiftly prosecuted.
- Training programs for public servants should be increased in order to raise the standards of conduct, and to improve mechanisms for preventing conflicts of interest.⁵⁷
- The government should adopt and implement specific measures for protecting civil servants who report acts of corruption, ensuring that they are not subjected to threats or reprisals.⁵⁸

- The government should provide the Superior Court of Accounts with the resources it needs to fully carry out its functions.

NOTES

- ¹ Honduras's HDI ranking remained largely unchanged between 1998 and 2004.
- ² For a comprehensive analysis of Honduran political history in the twentieth century, see Alison Acker, *Honduras: The Making of a Banana Republic* (Boston: South End Press, 1988); Thomas P. Anderson, *Politics in Central America: Guatemala, El Salvador, Honduras, and Nicaragua*, 2nd ed. (New York: Praeger, 1988); John A. Booth, Christine J. Wade, and Thomas W. Walker, *Understanding Central America: Global Forces, Rebellion, and Challenge* (Boulder, CO: Westview Press, 2006); Dario A. Euraque, *Reinterpreting the Banana Republic: Region and State in Honduras, 1870–1972* (Chapel Hill: University of North Carolina Press, 1996); Donald E. Schulz and Deborah Sundloff Schulz, *The United States, Honduras, and the Crisis in Central America* (Boulder, CO: Westview Press, 1994); Mark B. Rosenberg and Philip L. Shepherd, eds., *Honduras Confronts its Future: Contending Perspectives on Critical Issues* (Boulder, CO: L. Rienner Publishers, 1986); James A. Morris, *Honduras: Caudillo Politics and Military Rulers* (Boulder, CO: Westview Press, 1984); Kirk S. Bowman, *Militarization, Democracy, and Development: The Perils of Praetorianism in Latin America* (University Park: Pennsylvania State University Press, 2002).
- ³ World Bank, “Memorandum of the President of the International Development Association and the International Finance Corporation to the Executive Directors on a Country Assistance Strategy for the Republic of Honduras,” 29 May 2003, [http://wbIn0018.worldbank.org/lac/lacinfoclient.nsf/8d6661f6799ea8a48525673900537f95/bcf2ecb585a5fbc85256d4e00776112/\\$FILE/main.pdf](http://wbIn0018.worldbank.org/lac/lacinfoclient.nsf/8d6661f6799ea8a48525673900537f95/bcf2ecb585a5fbc85256d4e00776112/$FILE/main.pdf).
- ⁴ William Godnick, with Robert Muggah and Camilla Waszink, *Stray Bullets: The Impact of Small Arms Misuse in Central America* (Geneva: Small Arms Survey, 2002).
- ⁵ Ley Electoral y de las Organizaciones Políticas, Tribunal Supremo Electoral de Honduras, <http://www.tse.hn>.
- ⁶ Marcela del Mar Suazo, *Mujer y Ciudadanía Política en Honduras: Valoración Preliminar del Impacto de la Ley de Igualdad de Oportunidades y la Ley Electoral* (New York: United Nations Development Programme [UNDP], 7 April 2005), http://www.undp.un.hn/proddal/pdf/Marcela_Suazo_070405.pdf.
- ⁷ The qualifications include being a natural-born Honduran citizen, a minimum of twenty-five years old, and in full exercise of one's constitutional and civil rights (Constitution of the Republic of Honduras, Chapter 5, Article 52).
- ⁸ Transparency International, “Elections Activity Chart,” 2006, <http://www.transparency.org/content/download/6642/39834/file/TI-ElectionsActivityChart.doc>.
- ⁹ U.S. Agency for International Development (USAID), *Regional Strategy for Central America and Mexico, FY 2003–2008; Volume 2: Annex B: Honduras Country Plan* (Washington, D.C.: USAID, 30 September 2003), 27, http://pdf.dec.org/pdf_docs/PDABZ673.pdf.

20 COUNTRIES AT THE CROSSROADS

- ¹⁰ Ismael Moreno, "Nadie espera nada del nuevo gobierno," *Revista Envio* no. 291 (June 2006).
- ¹¹ Sarah Lucas, "Honduras Field Report," MCA Monitor, Center for Global Development, April 2007, http://www.cgdev.org/doc/MCA/Honduras_fieldrpt.pdf.
- ¹² "Honduras: Cabinet Shake-up Causes Disquiet," *Latin America Regional Report: Central America & Caribbean*, January 2007.
- ¹³ Honduras Center for the Promotion of Community Development (CEHPRODEC), *From Consultation to Participation: CIVICUS Civil Society Index Report for Honduras* (Tegucigalpa: CIVICUS, November 2006), http://www.civicus.org/new/media/CSI_Honduras_Country_Report.pdf.
- ¹⁴ International Media Lawyers Association (IMLA), "Defamation, Insult, False News," IMLA Thematic Newsletter, January 2007, http://www.internationalmedialawyers.org/cgi-bin/blog/blosxom.cgi/newsletter_first_thematic.html.
- ¹⁵ May I Speak Freely? (MISF), "Honduras' Slow Road to National Reparation," news release, 25 October 2006, http://www.mayispeakfreely.org/index.php?gSec=doc&doc_id=160.
- ¹⁶ Ismael Moreno, "Honduras' Prison Massacres Reflect a Social and Political Crisis," *Revista Envio* no. 294 (January 2006), <http://www.envio.org.ni/articulo/3201>; Lisa J. Adams, "Honduran President Calls for Crime Reform," Associated Press, 2 February 2006.
- ¹⁷ Harold Sibaja, Enrique Roig, Anu Rajaraman, Hilda Caldera, and Ernesto Bardales, *Central America and Mexico Gang Assessment, Annex 3: Honduras Profile* (Washington, D.C.: USAID, April 2006), http://www.usaid.gov/locations/latin_america_caribbean/democracy/honduras_profile.pdf.
- ¹⁸ Amnesty International (AI), "Honduras: 102 Deaths In Prison: An Independent Inquiry Is Required Along With a Review of Government Security Policies," news release, 19 May 2004, <http://web.amnesty.org/library/Index/ENGAMR370042004?open&of=ENG-HND>.
- ¹⁹ Mark P. Sullivan, "Honduras: Political and Economic Situation and U.S. Relations" (Washington, D.C.: Congressional Research Service, 3 May 2005), <http://fpc.state.gov/documents/organization/47138.pdf>.
- ²⁰ MISF, "Two Gang Members Convicted for 2004 Bus Massacre," Honduras News in Review, 26 February 2007, http://www.mayispeakfreely.org/index.php?gSec=doc&doc_id=255.
- ²¹ Sullivan, "Honduras: Political and Economic Situation"; Sibaja, Honduras Profile.
- ²² MISF, "State University Reports Over 3,000 Violent Deaths in Honduras in 2006," Honduras News in Review, 26 March 2007, http://www.mayispeakfreely.org/index.php?gSec=doc&doc_id=259.
- ²³ Council on Hemispheric Affairs, "Honduras' Operacion Trueno: An Audacious Proposal That Must Be Reformed and Renovated," news release, 16 October 2006, <http://www.coha.org/2006/10/16/honduras%e2%80%99-operacion-trueno-an-audacious-proposal-that-must-be-reformed-and-renovated>.
- ²⁴ MISF, "UN Committee Concerned Over Summary Executions of Minors," Honduras News in Review, 13 February 2007, http://www.mayispeakfreely.org/index.php?gSec=doc&doc_id=251.

- ²⁵ AI, *Report 2006* (London: AI, 2006), <http://web.amnesty.org/report2006/hnd-summary-eng>.
- ²⁶ MISE, "Funding Approved for "Femicide" Investigation Units," Honduras News in Review, 30 January 2007, http://www.mayspeakfreely.org/index.php?gSec=doc&doc_id=249.
- ²⁷ MISE, "Women's Group Says Domestic Violence Not Taken Seriously in Honduran Courts," Honduras News in Review, 4 December 2006, http://www.mayspeakfreely.org/index.php?gSec=doc&doc_id=219.
- ²⁸ AI, "LGBT Activist in Honduras Beaten by Police and Raped at Police Station by Detainees, Says Amnesty International," news release, 20 March 2007, <http://www.amnestyusa.org/document.php?lang=e&cid=ENGUSA20070330001>.
- ²⁹ AI, "Justice Fails Indigenous People," AI Library, 1 September 1999, <http://web.amnesty.org/library/Index/ENGAMR370101999?open&of=ENG-2AM>.
- ³⁰ MISE, "Police Burn Indigenous Settlement in Effort to Force Residents Off Land," Honduras News in Review, 12 March 2007, http://www.mayspeakfreely.org/index.php?gSec=doc&doc_id=257.
- ³¹ MISE, "Police Kill Two Environmental Leaders; Human Rights Commission Orders Protective Measures," Honduras News in Review, 9 January 2007, http://www.mayspeakfreely.org/index.php?gSec=doc&doc_id=233.
- ³² Constitution of the Republic of Honduras, Article 77, <http://pdba.georgetown.edu/Constitutions/Honduras/hond82.html>.
- ³³ USAID, *Regional Strategy for Central America and Mexico; Working Group on Arbitrary Detention, Report of the Working Group on Arbitrary Detention, Addendum: Mission to Honduras* (New York: UN Human Rights Council, December 2006), <http://daccessdds.un.org/doc/UNDOC/GEN/G06/152/64/PDF/G0615264.pdf?OpenElement>.
- ³⁴ Working Group, *Report of the Working Group; Edmundo Orellana, State of the Judiciary Report: Honduras 2003* (Washington, D.C.: IFES, April 2004), http://www.ifes.org/publication/5b50fbf181a756d24a794251fc569f23/SOJ_Honduras_english.pdf.
- ³⁵ Working Group, *Report of the Working Group*; Constitution of the Republic of Honduras.
- ³⁶ Working Group, *Report of the Working Group*.
- ³⁷ MISE, "Human Rights Commission Received More Than 9,000 Complaints in 2006," Honduras News in Brief, 26 March 2007, http://www.mayspeakfreely.org/index.php?gSec=doc&doc_id=259.
- ³⁸ Richard J. Millett and Orlando Perez, "New Threats and Old Dilemmas: Central America's Militaries in the 21st Century," *Journal of Political and Military Sociology* 33, no. 1 (Summer 2005): 59–79, http://calbears.findarticles.com/p/articles/mi_qa3719/is_200507/ai_n14904111/pg_1.
- ³⁹ UNDP Evaluation Office, *Country Evaluation: Assessment of Development Results: Honduras* (New York: UNDP, 2006), 26, http://www.undp.org/eo/documents/ADR/ADR_Reports/ADR_Honduras.pdf.
- ⁴⁰ MISE, "UN Working Group Investigates Disappearances from 1980s," Honduras News in Review, 13 February 2007, http://www.mayspeakfreely.org/index.php?gSec=doc&doc_id=251.

22 COUNTRIES AT THE CROSSROADS

- 41 *Doing Business In Honduras: A Country Commercial Guide for U.S. Companies* (Washington, D.C., and Tegucigalpa: U.S. Foreign Commercial Service and Department of State, 2007), <http://www.buyusa.gov/honduras/en/ccg2007.html>.
- 42 Suzanne York, "Honduras and Resistance to Globalization," International Forum on Globalization, <http://www.ifg.org/analysis/globalization/Honduras2.htm>.
- 43 Mechanism for the Follow-Up on the Implementation of the Inter-American Convention Against Corruption, *Republic of Honduras: Final Report* (Washington, D.C.: Organization of American States [OAS], 15 December 2006), 16, http://www.oas.org/juridico/english/mesicic_II_rep_hnd.pdf.
- 44 MISE, "30,000 March Against Corruption in Honduras," Honduras News in Review, 26 February 2007, http://www.mayispeakfreely.org/index.php?gSec=doc&doc_id=255.
- 45 USAID, *Regional Strategy for Central America and Mexico*, 29.
- 46 Tim Kane, Kim R. Holmes, and Mary Anastasia O'Grady, *2007 Index of Economic Freedom* (Washington, D.C., and New York: Heritage Foundation and *Wall Street Journal*, 2007), 221, 223, <http://www.heritage.org/research/features/index/downloads/Index2007.pdf>.
- 47 Ibid.
- 48 Transparency International, *Corruption Perceptions Index 2006* (Berlin: Transparency International, 6 November 2006), http://www.transparency.org/policy_research/surveys_indices/cpi/2006.
- 49 International Freedom of Expression Exchange (IFEX), "Congress Approves Access to Information Law," news release, 30 November 2006, <http://www.ifex.org/en/content/view/full/79666/>.
- 50 Ibid.
- 51 Thelma Mejia, "A Murky Transparency Law," Inter Press Services, 22 February 2007, <http://www.globalpolicy.org/nations/laundry/regions/2007/0222transparency.htm>.
- 52 MISE, "30,000 March Against Corruption in Honduras."
- 53 "Conexion 'gasolinazo'-INA," *El Heraldo*, 20 April 2006, <http://www.elheraldo.hn/nota.php?nid=49081&sec=12&fecha=2006-04-20>; Federacion de Organizaciones para el Desarrollo de Honduras (FOPRIDEH), "Informe Sobre el Estado de los Casos de Corrupcion en Honduras 2006," August 2006, http://www.cna.hn/uploads/files/II_INFORME_CORRUPCION_FORPIDEH.pdf.
- 54 "Prometen 'destapar la olla' en el RNP," *El Heraldo*, 19 June 2006, <http://www.elheraldo.hn/nota.php?nid=52070&sec=12&fecha=2006-06-19>.
- 55 International Budget Project, "Honduras," in *Open Budget Initiative 2006* (Washington, D.C.: Center on Budget and Policy Priorities, 2006), <http://www.openbudgetindex.org/CountrySummaryHonduras.pdf>.
- 56 Mechanism for the Follow-Up, *Republic of Honduras: Final Report*, 16.
- 57 Mechanism for the Follow-Up, *Republic of Honduras: Final Report* (Washington, D.C.: OAS, March 12, 2005), 38, http://www.oas.org/juridico/english/mec_rep_hnd.pdf.
- 58 Ibid.