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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.

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