



FREEDOM IN THE WORLD 2020

# Honduras

# 45

/100

PARTLY FREE

<u>Political Rights</u>	<b>19</b> /40
<u>Civil Liberties</u>	<b>26</b> /60

## LAST YEAR'S SCORE & STATUS

**46** /100    **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



# 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.

## Key Developments in 2019

- Antigovernment protests were held nationwide for much of the year, prompted by President Juan Orlando Hernández's announcement of unpopular health and education reforms in April. Protests continued despite their suspension, and authorities responded with excessive force; at least six people were killed in clashes by the end of the year.
- In August, US prosecutors identified President Hernández and his predecessor as coconspirators in a drug-smuggling operation led by Hernández's brother, Juan Antonio Hernández. The president's brother was convicted by a US jury in October, and his sentence was pending at year's end.
- In December, legislators recommended against the renewal of the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), which is backed by the Organization of American States (OAS). At year's end, the government was negotiating with the OAS over MACCIH's mandate, which was to expire in early 2020.

## Political Rights

### A. Electoral Process

**A1** 0-4 pts

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**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 four-year terms. 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 of the National Party (PN) 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. Opposition candidate Salvador Nasralla won 41.42 percent. The 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.

**A2** 0-4 pts

**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 2017 polls, the governing 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** 0-4 pts

**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. A preliminary vote count had showed Nasralla with a significant lead, but subsequent updates and 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 continued, 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.

A UN-sponsored national dialogue did not produce an agreement on electoral reform in 2018, but a subsequent effort between the OAS and Honduras was more successful. Based on that work, the Congress approved the creation of two new electoral bodies to replace the TSE, the Electoral Court of Justice (TJE) and National Electoral Council (CNE), in January 2019. Their leaders were appointed in September.

## **B. Political Pluralism and Participation**

**B1** 0-4 pts

**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** 0-4 pts

**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 the opposition insisted that a PN-aligned TSE had denied the opposition candidate victory in the presidential race.

**B3** 0-4 pts

**Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?**

**1/4**

Political and economic elites have traditionally exerted significant influence over political parties, limiting people's political choices. 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** 0-4 pts

**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's 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. In the 2017 elections, women won 27 of 128 congressional races and 23 of 298 mayoral posts. However, women's rights groups are becoming more visible in the political sphere.

## C. Functioning of Government

**C1** 0-4 pts

**Do the freely elected head of government and national legislative representatives determine the policies of the government?**

**2/4**

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. Two new executive decrees passed in 2018 further consolidated power in the executive branch.

**C2** 0-4 pts

**Are safeguards against official corruption strong and effective?**

Corruption remains rampant in Honduras, despite efforts to bolster its anticorruption mechanisms in recent years. The MACCIH, which was established in 2016, subsequently facilitated anticorruption legislation aimed at preventing illicit campaign donations and cooperated with the Attorney General's Special Prosecutor's Unit Against Impunity and Corruption (UFECIC) in its work. In April 2019, MACCIH reported that 120 individuals were being prosecuted for corruption, including 70 government officials. However, legislators, some of whom were implicated in corruption by MACCIH's work, voted against its renewal in December, calling its activities unconstitutional. MACCIH's mandate was set to expire in January 2020, and the Hernández administration and the OAS were still negotiating over its future at year's end.

Several high-profile corruption cases made their way through the courts in Honduras and abroad in 2019. In February, the National Anticorruption Council (CNA) referred former president Porfirio Lobo and members of his family to the UFECIC for misappropriating up to \$1 million from a public children's trust; MACCIH. In May, MACCIH disclosed that it was also investigating Lobo and his son for money laundering. In August, former first lady Rosa Elena Bonilla de Lobo was convicted for siphoning funds from the children's trust, and received a 58-year sentence in September.

President Hernández were directly implicated in corruption in August 2019, when United States prosecutors identified him and former president Lobo as coconspirators in a drug smuggling operation run by Juan Antonio Hernández, the president's brother. In October, a United States jury convicted the president's brother; his sentencing was still pending at year's end.

*Score Change: the score declined from 2 to 1 because evidence of President Hernández's involvement in the illegal drug trade and the government's reluctance*

*to extend an OAS-supported anticorruption mission have added to concerns that Honduran officials act with impunity.*

**C3** 0-4 pts

<b>Does the government operate with openness and transparency?</b>	<b>1/4</b>
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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

### D. Freedom of Expression and Belief

**D1** 0-4 pts

<b>Are there free and independent media?</b>	<b>1/4</b>
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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 2017 reform to antiterrorism provisions in the Penal Code justified the jailing of journalists for inciting terrorism or hate, but the law was annulled in 2018.

Journalists are also targeted with antidefamation laws. In March 2019, the Supreme Court upheld the 2016 defamation conviction of Globo TV host David Romero Ellner, and he was taken into custody to serve a 10-year prison sentence later that month. Ellner was taken despite an Inter-American Commission on Human Rights (IACHR) request for Honduran authorities to delay his detention while it considered a petition filed on the case.

In March 2019, television host Leonardo Gabriel Hernández was killed in the southern city of Nacaome. Police believed that Hernández was targeted after criticizing organized criminal groups on the air, and two members of the MS-13 criminal group were later detained in connection with his murder. The Committee to Protect Journalists (CPJ) reported that Hernández was the first journalist to be killed for their work in Honduras since 2010.

**D2** 0-4 pts

**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** 0-4 pts

**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. Students at the National Autonomous University of Honduras (UNAH) clashed with military police when they arrived to disperse a protest against

President Hernández. At least five people were injured when police fired live ammunition into the crowd.

**D4** 0-4 pts

**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**

**E1** 0-4 pts

**Is there freedom of assembly?**

**1/4**

Freedom of assembly is constitutionally protected, but the government consistently uses force to disperse participants. Ongoing protests roiled the country for much of 2019, after President Hernández announced austerity measures for the country's health and education sectors in April. Congress suspended the measures after protesters marched through Tegucigalpa and blocked major roads later that month; three people were injured after riot police clashed with protesters, some of whom were armed.

Despite the suspension of Hernández's reforms, hundreds of protests were held throughout Honduras in the following months, with demonstrators calling for the president's resignation. Tegucigalpa became the site of major protests in August,

after Hernández was implicated in his brother’s drug-smuggling operation, on September 15, when Honduras celebrated its independence from Spain, and in October, when the president’s brother was convicted in the United States. Amnesty International reported that authorities regularly used tear gas and live ammunition against demonstrators and bystanders as the year continued, and that six people were killed during protests or government reprisals by year’s end.

**E2** 0-4 pts

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

**1/4**

NGOs and their staff, especially in the human rights and environmental fields, face significant threats, including harassment, surveillance, smear campaigns aimed at undermining their work, and violence. The IACHR reported that between January 2014 and August 2018, at least 65 human rights defenders were murdered, and over 1,232 attacks were documented between 2016 and 2017. Human Rights Watch (HRW) reported that another three human rights defenders, two of whom were indigenous, were killed in 2019.

Campaigners are also subject to detention and trial for their activities. In March 2019, authorities released 12 people who were charged with criminal conspiracy after they demonstrated against an illegal mining concession in the country’s Bajo Aguan region. However, authorities detained seven campaigners on charges including robbery and arson in the same region in August.

**E3** 0-4 pts

**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, dismissal, and violence for their activities. The Solidarity Center reported that a member of the Workers' Union of Gildan Villanueva SA (SITRAGAVSA) was killed by police in July 2019 when he participated in an antigovernment protest.

## F. Rule of Law

**F1** 0-4 pts

Is there an independent judiciary?	1/4
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Political and business elites exert excessive influence over the judiciary, including the Supreme Court. Judicial appointments are made with little transparency, with the IACHR reporting that the Supreme Court exerts excessive control over appointments. 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 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 President Hernández's 2017 reelection.

**F2** 0-4 pts

Does due process prevail in civil and criminal matters?	
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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. In 2017, authorities established several new courts in an attempt to address lengthy trial delays. Authorities in the armed forces have dishonorably discharged members accused of rights violations before their trials have taken place.

In 2018, a court found seven of the eight suspects in the 2016 killing of indigenous rights activist Berta Cáceres guilty of murder. Among those convicted were two officials with a company constructing the hydroelectric dam Cáceres had opposed and former members of the military. The defendants were handed sentences ranging from 30 to 50 years in December 2019, over a year after their conviction.

**F3** 0-4 pts

**Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?**

1/4

The number of homicides rose to 3,996 in 2019, from 3,864 in 2018. 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 operations.

Prisons are overcrowded and underequipped, and prison violence remains rampant due in large part to the presence of gangs. In October, inmates in the high-security El Pozo prison killed Magdaleno Meza, a drug smuggler who previously implicated Juan Antonio Hernández in his own confession. In December, El Pozo's warden, who was suspended after Meza's death, was himself shot and killed. That month was also marked by two prison clashes that killed at least 30 inmates; prison gangs were involved in both incidents.

**F4** 0-4 pts

**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. Lesbian Network Cattrachas, a local NGO, reported that at least 26 LGBT+ people were killed in the first eight months of 2019, outpacing their 2018 tally of 25. While antidiscrimination laws are on the books, victims of such abuses have little practical recourse.

Honduras has among the highest femicide rates in the world, and these murders are rarely investigated. According to the UNAH, 380 women were murdered in 2018.

Asylum seekers from Honduras and other countries can find themselves held in Honduran territory due to a bilateral agreement signed with the United States in September 2019. As part of the agreement, Honduras agreed to house asylum seekers whose claims were either rejected by or unprocessed by the United States, even if they did not originate in Honduras.

## **G. Personal Autonomy and Individual Rights**

**G1** 0-4 pts

**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, 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. The Office of the UN High Commissioner for Refugees (UNHCR) estimated that over 247,000 people were internally displaced in Honduras at the end of 2019.

**G2** 0-4 pts

**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** 0-4 pts

**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. In 2018, Congress approved legislation that banned same-sex couples from adopting children, over the objection of activists who called the bill superfluous and discriminatory. Despite their opposition, the law came into force in March 2019. Abortion is illegal in Honduras,

including in cases of rape or incest, and women accused of terminating their pregnancies face prison terms of up to six years. Emergency contraception is also prohibited. Domestic violence remains widespread, and most such attacks go unpunished.

**G4** 0-4 pts

**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, and exacerbate income inequality. High youth unemployment and low levels of education help to perpetuate the cycle of crime and violence.

Human trafficking is a significant issue in Honduras, 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.



### On Honduras

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### *Country Facts*

### Global Freedom Score

**45/100** Partly Free

*Other Years*

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