



Honduras

Country Reports on Human Rights Practices - [2007](#)

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Honduras is a constitutional democracy with a population of approximately 7.4 million. In November 2005 national elections, considered by international and domestic observers to be generally free and fair, voters elected as president Jose Manuel Zelaya Rosales of the Liberal Party. The Liberal and National parties continued to dominate the politics of the country within a multiparty system. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces, particularly the police, acted independently of government authority.

The following human rights problems were reported: unlawful killings by members of the police and government agents; arbitrary and summary killings committed by vigilantes, street gangs, and former members of the security forces; beatings and other abuse of detainees by security forces; harsh prison conditions; failure to provide due process of law; lengthy pretrial detention; politicization of the judiciary, as well as judicial corruption and institutional weakness; erosion of press freedom; government restrictions on recognition of nongovernmental organizations (NGOs); violence and discrimination against women; child prostitution and abuse; trafficking in persons; discrimination against indigenous communities; violence and discrimination against persons based on sexual orientation; ineffective enforcement of labor laws; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings. As in previous years, NGOs reported killings of youths and children by vigilante groups that also may have included members of the security forces. There were no charges filed against or convictions of any persons in relation to these killings. Between 1998 and the end of the year, the NGO Casa Alianza reported the killings of 3,943 children and adults under the age of 23, with 504 of these killings occurring during the year. Casa Alianza believed that government security forces were involved in 22 of these killings; a number of the victims showed signs of torture.

The government sought or detained a number of police officials for their involvement in various killings of individuals.

On June 22, unknown actors shot and killed army Captain Alejandro Humberto "El Motino" Zavala, a close friend and bodyguard of President Zelaya, in Tegucigalpa. The president stated that "power sectors" had conducted a political assassination against the nation. Human rights groups commented that there was no evidence to support the president's assertion. By year's end security authorities had arrested two suspects, Edwin Ernesto Hernandez and Hansen Mohamed Handal.

On October 18, unknown actors fatally shot Radio Cadena Voces journalist Carlos Salgado (see section 2.a.).

On November 29, unknown actors in Puerto Cortes fatally shot Regional Red Cross President Jose Raul Carranza Soto, allegedly because he refused to pay them extortion money. At year's end there was no information regarding any investigation of the incident.

There were no reported developments in the pending legal action against a soldier who was in military custody, for the October 2006 fatal shooting of a civilian, Henry Esau Garcia Fuentes, at a joint military and police checkpoint in Colonia Flor del Campo.

On May 28, the authorities placed under house arrest former Comayagua police officer Marvin Arias Sorto in relation to the November 2006 fatal shooting of bar owner Sean Keith Haneman. At year's end Sorto remained under house arrest.

There were no further developments regarding the December 2006 filing of criminal charges against four members of the preventive police for the killings in Olancho of environmental advocates Heraldo Zuniga and Roger Ivan Cartagena. In February the National Human Rights Commission (CONADEH) and the Public Ministry questioned whether police officers had been ordered by their superiors to alter the scene of the killing of the advocates.

On November 1, security authorities released from custody former police officers Ricardo Benitez and Felipe Izaguirre after a court found them innocent of charges relating to the 2005 kidnapping, torture, and killing of youths Rene David Rivera and Sergio Najarro Ramirez.

In June a tribunal sentenced former inspector of the Preventive Police, Oscar Gomez, and former deputy inspector Roger Matute, to 47 and 26 years, respectively, for the 2004 deaths of juvenile victims Marvin Daniel Ortiz and Juan Manuel Aguilar.

A number of prisoner deaths were attributed to members of the security forces.

By year's end there were no developments regarding the May 2006 killing by unknown actors of Liberal Party Congressman Ramon Saldago Cuevas. Authorities believed that organized crime was responsible for the killing.

At year's end the Homicide Unit of the Criminal Investigation Office of Comayagua continued investigating the 2005 killing of trade unionist Francisco Cruz Galeano.

At year's end police continued the investigation of the 2005 killing of Ministry of Public Works official Jose Mario Garcia.

On December 4, the Supreme Court of Justice ordered the detention for a second time of retired colonel Alexander Hernandez Santos, a member of the disbanded Intelligence Battalion 3-16, for human rights violations, forced disappearances, and assassinations in the 1980s of 184 persons, including Miguel Francisco Carias and Nelson Mckay Chavarria.

At year's end the Tegucigalpa criminal court still had not brought action against police officers implicated in the 1995 illegal detention and killing of four youths in the four cardinal points case. As part of a September 2006 Inter-American Court of Human Rights condemnation of the government's handling of the case, in December the postal service released a commemorative stamp. On November 12, the government inaugurated a "Four Cardinal Points Bridge" in Tegucigalpa to memorialize the incident.

On June 11, Garifuna leader Felix Ordonez Suazo was fatally shot in Punta Piedras, Colon Department, allegedly by members of a group of land invaders encroaching on the community's lands.

Through November the Ministry of Public Security reported that unknown actors killed 43 police officers, noting that youth gangs may have committed some of these killings.

Through December five lawyers and one judge had been killed, including attorney Alejandro Arturo Navas.

Violent crime continued to fuel the growth of private unlicensed security guard services and vigilante groups that patrolled neighborhoods and municipalities allegedly to deter crime. Neighborhood watch groups called Citizen Security Councils occasionally took the law into their own hands. Human rights organizations credibly asserted that some councils, as well as private security companies with ties to former and current military or police officials, acted with the complicity of police as vigilantes or death squads to use lethal force against supposed habitual criminals. On June 21, a major daily newspaper published the flyer of a supposed "Squadron of Death" composed of police, military, and businessmen. Also in June an unknown person handed the flyer, which threatens human rights defenders of gangs and drug traffickers, to a human rights activist on the street in Tegucigalpa.

Casa Alianza reported a high number of killings of adolescents in urban areas. Approximately 90 percent of the victims were male; female victims showed signs of sexual abuse. It was believed that organized crime and private security forces were involved in many of these killings. The NGO also had information that some law enforcement officials in their private capacity, and not as agents of official policy, participated in many of these killings, enjoying a "climate of impunity" due to public opinion that favored a strategy of "social cleansing" toward alleged gang members and other juveniles suspected of criminal activities.

Between January and September the Special Investigative Unit on Child Killings received cases involving killings of 80 minors; the unit attributed the killings to the following categories: unknown assailants (57 percent), gang members (30 percent), private individuals, family members and delinquents (12 percent), and police (1 percent).

CONADEH reported that during the year 189 women were killed and that 98 percent of these killings remained unresolved.

Several groups and families of juvenile victims claimed to have provided public prosecutors with evidence of collusion between police elements and business leaders. The Ministry of Public Security stated that it investigated individual police officers for participation in killings of street youth; however, there was no information available on the outcome of the investigations. International NGOs, including CARE, and foreign government donors continued to provide training in domestic violence and other human rights problems for police and armed forces units.

b. Disappearance

On August 31, there were reports that a former official of the Direccion General de Investigacion Criminal (DGIC) kidnapped Milton Elias Cardona from his house in Siquatepeque, Comayagua. At year's end Cardona's whereabouts remained unknown.

There was no information regarding the whereabouts of Panamanian nationals Jose Camilo Miranda, David Rodrigo Villalobos Valladares, and Jorge Luis Villalobos Valladares, who were last seen in June 2006 in the custody of Roatan police.

There was no information regarding any investigation of the June 2006 kidnapping and disappearance of Jorge Ruiz Rosales, former advisor of the National Association of Farmers of Honduras, presumably by five DGIC agents. Rosales had been in self-imposed exile in the 1980s for his active participation in dissident political organizations but returned in 1991 when the government issued a decree of unconditional amnesty for former dissidents.

There was no information regarding the whereabouts of Elvis Zepeda Barrientos, detained by police in December 2006.

The government resolved eight cases before the Inter-American Commission on Human Rights (IACHR) relating to forced disappearances in the 1980s and provided \$600,000 (11.3 million lempiras) compensation to the victims' families.

The Ministry of Public Security reported that as of November, there had been 40 kidnappings for ransom, compared with 14 in 2006.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such practices, there were instances in which government officials employed them, including police beatings and other abuse of detainees.

Casa Alianza's legal staff investigated two cases of alleged police brutality against minors. On March 23, preventive police officers allegedly assaulted minors Luis Sander Gomes Salgado and Dawin Sevilla. On June 20, agents of the DGIC allegedly illegally detained and abused minor Josue Armando Turcios.

In August Marvin Javier Martinez Bermudez and Jose Santiago Lopez Villalobo claimed that security authorities tortured them to admit they killed Judge Alba Leticia Bueso in San Pedro Sula. Authorities charged Martinez and Lopez with premeditated homicide, illicit association, and carrying an illegal weapon. At year's end there were no further developments regarding the case.

On December 13, the Public Ministry charged five police officers with torture and illegal detention of several members of the NGO Lesbian-Gay Rainbow Association of Comayaguela.

On September 28, the Supreme Court of Justice upheld the 2004 release on bail and dismissal of charges against retired colonel Juan Evangelista Lopez Grijalba in relation to a foreign court's finding in March 2006 of liability for compensatory and punitive damages for torture, disappearances, and extrajudicial killings.

The NGO Center for Torture Prevention and Rehabilitation (CPTRP) and the Innovation and Social Democratic Union political party complained that prison officials required female visitors to disrobe and undergo physical searches in front of male prison officials in order to enter the National Penitentiary.

On March 18, security authorities detained without charges for several hours Donny Reyes, a transvestite person and member of the Gay-Lesbian Rainbow Association of Comayaguela, at the Comayaguela police station. During his detention, other inmates allegedly physically assaulted and raped Reyes with the encouragement of police officers. There was no information about any follow-up investigation of this incident.

Prison and Detention Center Conditions

Prison conditions were harsh, and prison security was poor. Human rights groups reported that prisoners suffered from

severe overcrowding, malnutrition, and lack of adequate sanitation and allegedly were subjected to various other abuses, including rape by other prisoners. In many cases prisoners relied on outside help from visitors to survive because the prison system did not provide adequate food or other basic necessities. Prison escapes, through bribery or other means, remained a frequent occurrence. The CPTRP found that of 72 inmates it interviewed at the National Penitentiary and Granja Prison in Comayagua, 68 reported that authorities had physically or emotionally abused them.

Prison disturbances, caused primarily by harsh conditions and intergang violence, occurred in the larger facilities of San Pedro Sula, Tegucigalpa, and Choluteca. Through November the Ministry of Public Security reported that 18 gang members had been killed in prisons, in most cases by members of rival gangs.

Prison authorities attempted to hold prisoners from opposing gangs in different facilities or in different areas of the same prison to reduce intergang tensions and violence. On December 28, four rival gang member inmates killed four prisoners in the National Penitentiary, bringing the total to 41 prisoners killed by year's end at that facility.

Persons with mental illnesses, as well as those with tuberculosis and other infectious diseases, were held among the general prison population. Human rights organizations charged that prison officials used excessive force against prisoners, including beatings, as well as isolation and threats. There were credible reports that security officials condoned rapes and other physical assaults on detainees who were homosexuals (see section 5).

Female prisoners generally were held in separate facilities under conditions similar to those of male prisoners but unlike their male counterparts did not have conjugal visit privileges. At certain lower security prisons, women were held with the general population. Children up to age two were permitted to stay with their mothers in prison. Pretrial detainees generally were held together with convicted prisoners.

While the government operated four juvenile detention centers, minors were sometimes detained with adults.

Overcrowding remained a problem due to the overall deficiencies of the juvenile penal system. Judges tended to place minors in detention centers in the absence of other educational or reform programs.

The government generally permitted prison visits by independent local and international human rights observers, and such visits occurred during the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but the authorities at times failed to observe these prohibitions.

The Committee for the Defense of Human Rights in Honduras (CODEH) estimated that through December security officials had arrested arbitrarily, and sometimes tortured, more than 34,000 persons under the government's Operation National program. Police arrested persons based on forms of dress, types of tattoos, and whether they possessed identification materials.

Role of the Police and Security Apparatus

The Ministry of Public Security oversees police operations, including those of the Preventive Police, DGIC, Transit Police, Frontier Police, Tourist Police, and Prison Police. Corruption and impunity were serious problems within the security forces. Lack of sufficient funding for the DGIC undermined its effectiveness. The police added 2,000 officers, decentralized some police commands, and began conducting polygraph tests of all police academy applicants. The Ministry of Public Security increased the use of motorcycle patrols to respond more effectively to calls by the public for assistance.

The Office of Internal Affairs investigates allegations of illegal activities committed by members of the police force. The Preventive Police and the DGIC each have an office of professional responsibility that conducts internal reviews of police misconduct.

On October 29, security authorities detained two DGIC agents and their driver for stealing 15 computers that same day from a school in Olancho. At year's end there was no further information about the incident.

The Ministry of Public Security reported that through November, authorities had prosecuted 63 police officers for offenses ranging from abuse of authority to drug trafficking, rape, and homicide. There was widespread public concern regarding the perceived inability of the security forces to prevent and control crime, and the public continued to believe that corrupt security personnel were complicit in the high crime rate.

On October 23, the government announced the establishment of a new prosecutor's office, staffed by five prosecutors, for

homicides in San Pedro Sula to handle the large backlog of unresolved cases.

Foreign donors and international organizations provided human rights training to police and military officials.

The government condoned the citizen security councils, which human rights groups claimed were responsible for an increase in unlawful deaths. Human rights groups contended that these councils were police intelligence entities that gathered information about persons who did not support the Zelaya administration, and that the government was creating a police state.

There were no developments regarding the cases pending with the Public Ministry in 2006 of inspectors and directors of police charged with flagrant human rights abuses.

Police and military continued joint patrols of the streets. Gang violence and intimidation remained serious problems, and gangs continued to harass, threaten, and rob passengers on public transportation, causing the government to station security officers on many public buses. Perpetrators, in some instances police, of killings against youth and minors continued to act with impunity.

Arrest and Detention

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

Lengthy pretrial detention was a serious problem. During the year approximately 51 percent of the prison population awaited trial. The law mandates the release from prison of any detainee whose case has not come to trial and whose time in detention exceeds the maximum prison sentence for the crime of which he is accused. Judicial inefficiency and corruption and lack of sufficient resources delayed proceedings in the criminal justice system. According to the Supreme Court of Justice, of 271,000 cases with the DGIC, only 6,000 reached trial. Of the 6,000 cases, however, 80 percent resulted in sentences. As a result of trial delays, many pretrial detainees already had served time in prison equivalent to the maximum allowable for the crime for which they were accused. Many prisoners remained in jail after being acquitted or having completed their sentences due to the failure of officials to process their releases.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judicial system was poorly funded and staffed, inadequately equipped, often ineffective, and subject to patronage, corruption, and political influence.

On March 27, a court acquitted but did not release from custody Joel Nahum Espinoza, a member of the presidential guard arrested in June 2006 in connection with the 1999 killing of Francisco Javier Morales in Trujillo. On April 30, prosecutors filed an appeal, which was pending at year's end. Santos Israel Barahona Chirinos, the other suspect in the killing, remained at large.

Low wages and lack of internal controls rendered judicial officials susceptible to bribery, and powerful special interests exercised influence in the outcomes of court proceedings.

There are 12 appeals courts, 77 courts of first instance with general jurisdiction, and 330 justice of the peace courts with limited jurisdiction. The Supreme Court of Justice names all lower court judges. The media and various civil society groups continued to express concern that the eight-to-seven split between the National and Liberal parties in the Supreme Court of Justice resulted in politicized rulings and contributed to corruption in public and private institutions.

Trial Procedures

The law provides for the right to a fair public trial. Although the law provides that the accused is presumed innocent and has the right to an initial hearing by a judge, to bail, to consult with legal counsel in a timely manner, to have a lawyer provided by the state if necessary, and a right to appeal, these rights frequently were not observed.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, including access to a court to seek damages for a cessation of a human rights violation. There were no such cases reported during the year.

CODEH and the NGO Committee on Detained and Missing Relatives in Honduras were the only organizations that brought charges against human right violators by seeking financial retribution. A litigant can bring such charges when the criminal court determines that retribution may be sought.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the constitution and law generally prohibit such actions, a legal exception allows entry at any time in the event of an emergency or to prevent the commission of a crime. There continued to be credible charges that police personnel occasionally failed to obtain the required authorization before entering a private home.

Garifuna and other indigenous rights leaders continued to complain that the government failed to redress previous actions by private and public security forces that dislodged farmers and indigenous groups who claimed ownership of lands based on land reform laws or ancestral titles to property (see section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the constitution and law generally provide for freedom of speech and of the press, there was government intimidation of journalists, and journalistic self-censorship. The law prohibits demonstrators from making statements that could incite persons to riot.

Some journalists acknowledged practicing self-censorship when their reporting could challenge the political or economic interests of media owners. There were no reports that international media were prohibited from operating freely.

A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the country's news media. The government influenced media coverage of its activities through the granting or denial of access to government officials, creating a situation in which the media was so closely interrelated and linked to the political system that the powerful magnates strongly influenced the news agenda and thereby elections and political decisions.

NGOs credibly reported that the government also gave substantial sums of money to selected members of the media who covered their stories in the manner they requested. The government exerted considerable influence on the print media through granting or withholding publicly funded official advertisements.

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

Some media members claimed that when they attempted to report in depth on national politicians or official corruption, they were occasionally denied access to government information. Access to the presidential palace was limited to the "friendly" press and was arbitrarily awarded and withdrawn by presidential palace staff.

The Committee for Free Expression reported that by the end of the year, 11 journalists had been subjected to threats and intimidation.

In February unknown actors threatened the lives of two *La Tribuna* journalists who were investigating alleged administrative irregularities at the Honduran Institute of Social Security.

On May 23, President Zelaya ordered government-mandated broadcasts on television and radio. The half-hour to one-

hour broadcasts aired on May 28 and 30 and June 1; the National Commission of Telecommunications in Honduras ordinarily permits only seven minutes of nonemergency government broadcasting at a time. The president defended the broadcasts aimed to counter negative coverage by the press.

There were numerous reports of threats or lawsuits against journalists by powerful persons, including legal cases against journalists for their reports on corruption. NGOs reported receiving various threats, including from organized crime.

During an August 30 press conference in his office, President Zelaya refused a request for an interview from a Radio Cadena Voces journalist and stated, "No way, I will not ever grant your radio station an interview, and if I were Hugo Chavez, I would shut it down."

On September 27, Marcelo Chimirri, the director of Hondutel (the national telecommunications company), brought a slander suit against six leading journalists, based on radio broadcasts in Mexico about their reporting of alleged corruption in Hondutel. By year's end the criminal court had dismissed the case. Reporters Without Borders asserted that Chimirri initiated the lawsuit to undermine press freedom.

On October 15, President Zelaya criticized the Honduran media at the Interamerican Press Society Assembly in Miami.

On October 18, unknown actors fatally shot Radio Cadena Voces journalist Carlos Salgado in front of the radio station in Tegucigalpa as he left after recording his radio program. Throughout the year Salgado and other Radio Cadena Voces journalists had asked for police protection due to death threats. A few days before Salgado's death, Hondutel director Marcelo Chimirri publicly criticized the Radio Cadena Voces news coordinators Melissa Amaya and Juan Carlos Funes. On October 27, police arrested German David Almendarez as a suspect in Salgado's killing. Media reported that Salgado's killing was politically motivated. In response to Salgado's death, CONADEH stated that the government was using terrorist tactics to threaten the press and human rights defenders. The Special Rapporteurs for Freedom of Expression for the UN and the Organization of American States condemned the Salgado killing and called on the government to bring those responsible to justice.

On November 1, Dagoberto Rodriguez, director of Radio Cadena Voces, fled the country due to death threats from unknown actors. After being fired upon by two persons from a motorcycle on September 7, radio journalist Hector Geovanny Garcia also left the country. On September 18, CONADEH requested protective measures from the IACHR for journalists Hector Geovanny Garcia and Martin Omar Ramirez, who had received multiple death threats. In November President of the College of Journalists Elan Reyes demanded that the government provide protection for the threatened journalists.

On October 18, unknown persons uploaded for public dissemination onto the YouTube.com Internet site illegally recorded tapes containing threats by the administration against the press. On November 9, the authorities arrested Marcelo Chimirri for releasing publicly these tapes. At year's end the prosecutor continued to investigate the matter.

On December 30, police in Tegucigalpa arrested Foreign Minister Milton Jimenez, charged him with drunk driving, and took him to police headquarters where he and officers allegedly engaged in a fist fight. Unknown persons downloaded onto YouTube.com portions of a police video showing the altercation. The press reportedly did not cover the incident, due to threats from the government, until after the dissemination of the video on the Internet. At year's end the human rights prosecutor was investigating the matter.

There were no new developments in the pending prosecution of journalists Eduardo Maldonado and David Romero Ellner, charged in July 2006 for defamation and lies against Mario Maldonado, former director of Hondutel.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In January there were extensive internet outages on the Bay Islands, reportedly because of government interference with small operators.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right.

Freedom of Association

The constitution and the law generally provide for freedom of association, and the government generally respected this right in practice. The criminal association law, however, prohibits illicit association and prescribes prison terms of three to 12 years. Human rights organizations criticized the law and its implementation as an undue restriction on the right to associate freely, while gay rights advocacy groups expressed concerns that the law could be used to criminalize social activities and organizations of the gay community. During the year the law prohibiting illicit associations was used to arrest individuals for being members of Mara Salvatrucha and other gangs. The government used a criminal code reform outlawing illicit association to persecute farmers and persons from indigenous communities.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. The government requires foreign missionaries to obtain entry and residence permits and allows deportation of foreign missionaries who practice witchcraft or satanic rituals. Although the government does not require religious groups to register, those who receive "juridical personality" status are accorded tax exemptions and waivers of customs duty on imports.

In April the government denied entry to Jose Luis Miranda, who claimed to be the Antichrist, contending that he posed a security risk.

Societal Abuses and Discrimination

There were no reports of discrimination or violence against religious groups, including anti-Semitic acts. There was a very small Jewish population.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provides for freedom of assembly and association, and the government generally respected these rights in practice.

The law does not explicitly prohibit forced internal or external exile, but the government did not employ this practice.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, and granted refugee status or asylum. Through December the Office of Migration continued reviewing 19 applications for refugee status that it received during the year. The government cooperated with the UN High Commissioner for Refugees, the International Organization for Migration, and other humanitarian organizations in assisting refugees and asylum seekers.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of nearly universal suffrage. Active members of the clergy and of the military and civilian security forces are not permitted to vote.

Elections and Political Participation

In November 2005 national elections, which were described by international observers as generally free and fair, Jose Manuel Zelaya Rosales of the Liberal Party won election to the presidency with a plurality of votes. Observers noted irregularities at approximately 1,100 ballot boxes but no systemic patterns of fraud. Political parties could operate without restriction or outside interference.

Women participated actively in politics. There were 31 women in the 128-seat National Congress; there were six women on the Board of the National Congress, and 10 women presided over congressional committees. Of the 256 members of

the National Congress, both those officially elected and their alternates, 58 were women. Eight of the 15 members of the Supreme Court of Justice, including its president, were women. Four women were ministers and three women were vice ministers.

There were few minorities or indigenous people in leadership positions in government or politics. There were three Garifuna members in the 128-seat legislature, but there were no members from other ethnic minority or indigenous communities.

Government Corruption and Transparency

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

Many observers argued that a small elite exercised considerable control over the country's economic, judicial, and political institutions, which created the potential for abuse of the country's institutions and democratic governance.

In June a court convicted for abuse of authority Ramon Romero, former director of immigration, who was arrested in 2005 on corruption charges. At year's end Romero was not in detention and had appealed the case.

In January a coalition led by the government-supported National Anti-Corruption Council organized 30,000 demonstrators to protest corruption and impunity. Persons made a number of complaints regarding corruption, influence peddling, and nepotism in the Health Ministry, the national electricity and water authorities, Hondutel, the highway commission, and the public works and transportation commission.

In October Commissioner of the Strategy for the Reduction of Poverty Fernando Garcia publicly denounced 13 mayors for misuse of poverty reduction funds provided by donor countries for debt relief. At year's end the Supreme Accounting Tribunal was investigating the matter.

On October 11, the Public Ministry accused former mayor of Tegucigalpa Oscar Acosta and then councilman Benjamin Talavera of buying land at an overvalued price without a public bid. At year's end the Public Ministry Office of Anti-Corruption was prosecuting Acosta and Talavera.

On October 29, Walter Ramirez, prosecutor for anticorruption, announced he was investigating the National Registry of Persons for illegal collection of money from persons for birth certificates and national identify cards in San Pedro Sula. The investigation continued at year's end.

On December 5, the Public Ministry reported that between 1998 and 2002, city council members in Catacamas, Olancho, had purchased for \$2,500 (47,225 lempiras) from a fictitious company items purportedly to construct a landing strip that was never built. At year's end there was no information available regarding any investigation of this matter.

By year's end President of the National Congress Roberto Michelletti had offered Christian Democrat Congresswoman Marleny Paz protection due to death threats made to her from unknown actors for refusing a bribe to leave her legislative position. Paz asserted that leaders of her political party were involved with the threats.

In November 2006 the legislature passed a strong transparency law that permits citizens access to information regarding government operations and decisions. Congress appointed three controversial commissioners; by year's end the government had not implemented the law.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Government officials generally cooperated with NGOs. With certain notable exceptions, however, government officials were usually responsive to NGO views. The government restricted or refused registration for some civil society organizations.

During the year a private security firm harassed journalists and lawyers working for the human rights NGO Association for a More Just Society (ASJ), including by seeking to have the authorities revoke ASJ's operating license. By year's end the Ministry of Governance and Justice and the Office of the Solicitor General found there was no basis to revoke the license.

Throughout the year ASJ journalists, lawyers, and other personnel continued to receive threats, including 50 messages with death threats and anonymous threatening messages sent to ASJ's anticorruption and human rights Internet magazine *Revistazo*. In May Selvin Richard Swasey, owner of the security firm Setech, allegedly harassed and made anonymous threatening telephone calls to an ASJ attorney, reportedly due to his work on irregularities in the operation of Swasey's private security businesses.

The government revoked or denied legal registration to gay and lesbian advocacy groups (see section 5).

In February the Ministry of Governance and Justice transferred to the Supreme Court the registration determination for the NGO Judges for Democracy. There were reports that due to dissatisfaction with the group's proposed board of directors, the court decided to delay indefinitely the NGO's registration application. After the NGO members brought a complaint to the Inter-American Court of Human Rights regarding the government's registration delay, the Supreme Court of Justice immediately granted legal recognition to Judges for Democracy.

On September 3, unknown actors reportedly tried to force into the trunk of a vehicle environmental justice defender Monsignor Luis Alfonso Santos. Police prevented the perpetrators from abducting Monsignor Santos. At year's end there was no information about any investigation of the incident, and the assailants' identities remained unknown. Media reported that the perpetrators were connected with the MINOSA mining company.

On September 15, unknown actors in Dulce Nombre de Culmi fatally shot environmental justice advocate Mario Guifarro Ramirez. At year's end there was no information about an investigation regarding his killing.

On October 31, unknown assailants in the town of San Ignacio physically assaulted environmental rights defender Father Jose Alberto Palma Gomez. Assailants had physically attacked Father Palma 11 other times over the past three years. By year's end there was no information regarding any investigation of these incidents.

There were no developments, and none were expected, regarding any investigation of death threats made in 2006 by unknown actors against Monsignor Santos after he led protests that year against strip mining companies.

The government cooperated with international organizations such as the International Committee of the Red Cross, whose offices from Guatemala, Mexico, and Geneva visited a total of nine times during the year.

The National Human Rights Commission, an autonomous government institution, was headed by Human Rights Commissioner Ramon Custodio Lopez. The commission's director had open access to all civilian and military institutions and detention centers and functioned with complete immunity and without government or political party interference. The government generally cooperated with, but allocated inadequate financial or other resources to, the commission. In March Custodio delivered the commission's annual human rights report, which criticized the high level of violence in the country. The legislature was responsive to the report's findings. The public placed substantial trust in the pronouncements of the commission but was dissatisfied that the government provided the commission with inadequate resources to perform its duties effectively.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, in practice it was not effectively enforced. Political, military, and social elites generally enjoyed impunity under the legal system; women experienced social and economic discrimination.

Women

The law criminalizes all forms of rape, including spousal rape. With the exception of spousal rape, which is evaluated on a case-by-case basis, rape is considered a public crime. A rapist can be prosecuted even if the victim does not press charges. The penalties for rape range from three to nine years' imprisonment, and the courts enforced these penalties in practice.

Violence against women remained widespread. The law criminalizes domestic violence with two to four years' imprisonment. The only legal sanctions for lesser forms of domestic abuse are community service and 24-hour preventive detention if the violator is caught in the act. The law provides a maximum sentence of three years' imprisonment for disobeying a restraining order connected with the crime of intrafamily violence.

The government did not enforce the law effectively with regard to domestic abuse. Through December the Public Ministry had received 9,400 reports of domestic violence. Through August approximately 200 women were killed, with domestic violence as the most common cause.

In January the National Congress approved financing for an investigative unit for violent deaths of women in the Office of the Special Prosecutor for Women.

The government worked with CARE and other NGOs to provide specialized training to police officials on enforcing the law relating to domestic violence. By December husbands who committed acts of domestic violence against their spouses had killed three police officers responding to those incidents. Two facilities, both operated by NGOs, provided shelter for battered women. The shelter in Tegucigalpa could accommodate 20 women and their families. Additionally, six other private centers for battered women offered legal, medical, and psychological assistance.

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

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

Although the law accords women and men equal rights under the law, including property rights in divorce cases, in practice women did not enjoy such rights.

The majority of women worked in lower-status and lower-paid informal occupations, such as domestic service, without legal protections or regulations. Women were represented in small numbers in most professions, and cultural attitudes limited their career opportunities. Under the law, women have equal access with men to educational opportunities. The law requires employers to pay women equal wages for equivalent work, but employers often classified women's jobs as less demanding than those of men to justify women's lower salaries. According to the National Institute of Statistics, women's salaries were 66 percent of salaries for men. Despite legal protections against such practices, workers in the textile export industries continued to report that they were required to take pregnancy tests as a condition for employment.

The government maintained a technical-level position directing the National Women's Institute, which develops women's and gender policy. Several NGOs actively addressed women's issues, including the Center for the Study of Women-Honduras, which dealt with trafficking in persons, commercial sexual exploitation, garment factory employees, and domestic workers.

Children

The government was committed to children's rights and welfare. The educational system, however, faced fundamental problems, including high dropout rates, low enrollment at the secondary level, unbalanced distribution of government spending, teacher absenteeism, and low quality of classroom education.

Although the law provides for free, universal, and compulsory education through the age of 13, a 2006 National Institute of Statistics study estimated that as many as 368,000 of the 1.7 million children ages five to 12 did not receive schooling during the year. In rural areas there were very few schools, some without books or other teaching materials for students. Most children in rural areas attended school only until the third grade and then began work in agricultural activities. There were no high schools in some rural areas.

Boys and girls had equal access to the limited available educational facilities; however, attendance rates for girls were slightly lower than for boys.

Girls and boys had equal access to state-provided medical care.

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

Trafficking in children for commercial sexual exploitation and child prostitution was a problem. Child labor was a problem, particularly in coffee and melon cultivation, fishing, and limestone and lime production.

The government and children's rights organizations estimated that there were 20,000 street children, only half of whom had shelter. An Inter-American Development Bank study reported that 60 percent of street children suffered from depression and that 88 percent consumed illegal substances, including glue inhalants and marijuana. Many street children were sexually molested or exploited. Programs to address this problem were limited.

Abuse of youth and children in poor neighborhoods and by gangs remained a serious problem. Approximately 175,000 adolescents were living with violent street gangs. Police and members of the general population engaged in violence against poor youth and children. Casa Alianza reported that 66 percent of street children had been assaulted by police. Human rights groups alleged credibly that individual members of the security forces and civilians used unwarranted lethal

force against supposed habitual criminals or suspected gang members, as well as against other youths not known to be involved in criminal activity.

The municipal administration of Tegucigalpa operated 12 temporary shelters with a capacity for 240 children. Casa Alianza operated three shelters (with a capacity for 175 children) for victims of commercial sexual exploitation, street children, and children with substance abuse problems. The NGO provided assistance to approximately 2,500 children yearly, attempting to reintegrate as many as possible with their families. Other private organizations and centers of the Honduran Institute of Children and the Family also housed street children and cared for approximately 2,500 children.

By year's end the courts sentenced to 70 years' imprisonment Juan Carlos Miralda "Pantera" Bueso and Darwin Alexis "Chele Sula" Ramirez in relation to the 2004 Chamelecon massacre that resulted in 28 dead, six of them children. The authorities released two other suspects, and four others remained at large.

The law outlaws "illicit associations," including gang and organized crime membership, for which it prescribes prison terms ranging from three to 12 years, depending on the individual's level of involvement and seniority. Through November, 463 persons were detained for illicit association. Year-end statistics indicated that there were approximately 30,000 to 40,000 gang members, many of them minors, belonging to nearly 500 separate groups or subgroups; other reports indicated that approximately 5,000 actively participated in criminal activities. They were deemed responsible for between 20 and 50 percent of violent crime in the country. Gang membership was primarily confined to the Tegucigalpa and San Pedro Sula areas. The Mara Salvatrucha (MS 13) and the Mara 18 were the largest and most violent of the gangs and accounted for approximately 40 percent of gang membership countrywide.

Trafficking in Persons

Although the law criminalizes trafficking in persons, there were reports that persons were trafficked from and within the country. Although there were no government figures available, Casa Alianza estimated that there were approximately 10,000 victims of sexual exploitation in or from the country. The problem was growing because of the link between trafficking in persons and illegal immigration. In the Tegucigalpa metropolitan area, an estimated 1710 girls and 570 boys suffered from commercial sexual exploitation.

The most common purpose of international trafficking was commercial sexual exploitation of women and children. Casa Alianza estimated that 90 percent of the children trafficked from the country were girls. Women and children were trafficked into Guatemala and also internally, most often from rural to urban settings. Most foreign victims trafficked into Honduras for commercial sexual exploitation came from neighboring countries. Authorities estimated that 20 to 30 children (96 percent of them girls) crossed the border daily (approximately 15,000 a year) for purposes related to sexual exploitation. The government returned monthly from Mexico and Guatemala approximately 30 minor victims of trafficking, with 25 minors repatriated from Mexico on October 26.

Gangs, organized crime, and human smugglers were reportedly among the principal traffickers for purposes of commercial sexual exploitation. Most traffickers were apparently citizens of the country, Guatemala, Mexico, China, or Taiwan. There were reports that families sold their daughters for purposes of trafficking. International trafficking was undertaken by land; the government maintained control of the country's land borders only at specific crossings. Trafficking was conducted using valid and forged documents.

The law sets penalties and defines offenses related to trafficking, including incest, lechery, abuse, prostitution, pornography, and knowingly infecting someone with HIV/AIDS. Punishments include fines ranging from \$5,294 to \$26,469 (100,000 to 500,000 lempiras) and imprisonment for four to 20 years. The law was not enforced effectively. Inadequate government funding to combat trafficking, corruption, and routine dismissal of government employees limited the government's ability to address trafficking.

There were 13 prosecutors in Tegucigalpa, five in San Pedro Sula, and two in La Ceiba who staffed the Office of the Special Prosecutor for Children, along with eight special child abuse investigators in Tegucigalpa, four of whom focused on sexual and commercial exploitation of minors. The government increased the number of trafficking investigation analysts in Tegucigalpa assigned to children's issues but did not staff adequately offices in other municipalities.

Through December the government investigated 71 trafficking cases, brought 10 cases to trial, and sentenced two additional defendants to five-year prison terms.

In November police raided four massage parlors in Tegucigalpa, rescued two child victims, and arrested on charges of child prostitution Jorge Geovanny Rodriguez Flores and Miriam Elizabeth Paz Pereira.

On December 21, DGIC captured Jose Naptali Zuniga Acosta, whom the government charged with child rape and pornography. At year's end the case was awaiting trial.

At year's end there were no further developments, and none were expected, regarding the continued detention of three members of an international human trafficking ring arrested in 2005 for luring women into commercial sexual exploitation abroad.

The Division Against Abuse, Trafficking and Commercial Sexual Exploitation (DATESI), a unit of the criminal investigative police, conducted detection operations throughout the country including highways, airports, ports, and hotels. On September 27, DATESI arrested a Honduran woman for trafficking a female minor to Mexico for commercial sexual exploitation.

At year's end the government had rescued 15 minors in Tegucigalpa in seven separate cases. DATESI also rescued from Guatemala nine Honduran girls who were held in Guatemala, one from Mexico, and three from El Salvador; a Honduran NGO was caring for the 13 victims.

The constitution prohibits the extradition of Honduran nationals but allows extradition of noncitizens charged with trafficking in other countries. There were no cases of extraditions related to trafficking during the year.

Between September and November the government launched a national tracking system for trafficking cases in San Pedro Sula and Tegucigalpa and collaborated with NGOs to identify witnesses to testify at trial. Casa Alianza provided social services and temporary housing to 80 trafficking victims. The government did not systematically screen vulnerable populations for victims.

The government increased substantially antitrafficking training and community outreach with police, prosecutors, and other government officials, conducting approximately 50 training sessions across the country. Save the Children Honduras completed a comprehensive map of trafficking routes that it distributed to police and immigration officials to facilitate investigations and arrests. The government coordinated with NGOs and the International Migration Organization to place victims in shelters and provide them with reintegration assistance.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, but the government did not adequately enforce these provisions. It was estimated that 51 percent of persons with disabilities were illiterate, compared with 19 percent among the general population.

Statutory provisions make it illegal for an employer to discriminate against a worker based on disability. During the year there were no reports of discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The law requires access to buildings for persons with disabilities. In practice few buildings were accessible.

In January the Special Prosecutor for Women publicly criticized the practice in psychiatric hospitals of sterilizing patients without consent. There was no information available regarding any follow-up regarding this matter.

Although the law requires the Ministry of Governance and Justice to maintain an office for persons with disabilities, the government did not provide funds or staff to operate the office. There is a commissioner for persons with disabilities in the presidential palace, and the Human Rights Commission of the National Congress also focused on matters of importance to persons with disabilities.

Indigenous People

Approximately 621,000 persons, constituting 9 percent of the general population, were members of indigenous and other ethnic groups. These groups, including the Miskitos, Tawahkas, Pech, Tolupans, Lencas, Chortis, Nahual, Islanders, and Garifunas, lived in 362 communities and generally had little or no political power to make decisions affecting their lands, cultures, traditions, and the allocation of natural resources.

Most indigenous lands were owned communally, providing land use rights to individual members of the ethnic community. Indigenous land titles often were defined poorly in documents dating back to the mid-19th century. Lack of clear title fostered encroachment and expropriation conflicts among landless nonindigenous settlers, powerful business elites, and government entities interested in exploiting coastlines, forests, and other lands traditionally occupied or utilized by indigenous and other ethnic communities. Indigenous and nonindigenous communities criticized the government's alleged complicity in the exploitation of timber and other natural resources on these lands. Amnesty International (AI) reported the use of politically motivated criminal charges to detain indigenous people. AI stated that these detentions often were intended to "obstruct the efforts of indigenous leaders to secure recognition of their communities' claim to communal land titles."

There were several protests by Garifuna and other indigenous groups regarding land rights disputes and perceived government discrimination. Garifuna leaders continued to petition the government regarding their concerns about large-scale commercial development undertaken on coastal lands traditionally occupied and utilized by their communities. The government permitted tourism development by private local and foreign business interests on the disputed lands, using 100-year leases designed to revert to the Garifuna after the expiration of that period of time. Garifuna leaders continued to report to the government and NGOs harassment, threats, and assaults. Many Garifuna rights activists continued to oppose the government's attempts to provide individual land titles to community members on lands traditionally held in common by Garifuna people.

On June 12, Garifuna leader Felix Ordonez Suazo was fatally shot in Punta Piedras, Colon Department. Garifuna community residents filed a complaint with the police in Trujillo identifying Luis and David Portillo, who had been encroaching on Punta Piedras community lands, as the alleged killers. In July the IACHR requested that the government apply protective measures to an eye-witness to the killing. By year's end the government had not complied with the commission's request and had not conducted any investigation of the incident.

On August 8, Garifuna leaders complained to the Public Ministry that it had seriously delayed processing their ongoing lawsuits regarding, killings, trespassing, destruction of natural resources, and discrimination. The Garifuna community also complained to the government about limited access to healthcare and education; racial discrimination; and lack of access to electricity, potable water, and roads. Garifuna community leaders requested that the government remedy social and economic inequalities faced by that community in relation to the general population and institutionalize bilingual intercultural education to preserve their indigenous culture.

There were no further developments regarding the imprisonment of several persons accused of brandishing a gun and making death threats in July 2006 against Garifuna leader Jessica Garcia to force her to surrender Garifuna land to a real estate business. On April 14, unknown actors in San Pedro Sula fired multiple gunshots at a taxi carrying Joselyn Lizet Rivas, the daughter of Jessica Garcia. Although Rivas was not injured, there was no information regarding any follow-up investigation of the incident.

There were no developments regarding the September 2006 preventive imprisonment of three individuals who allegedly killed in August of that year Garifuna community member Mirna Isabel Santos Thomas.

Through December six naval officers implicated in the February 2002 killing of two Garifuna youths remained in prison pending further disposition of their cases.

The government undertook minimal efforts to work with indigenous people to address concerns regarding ownership and use of traditional lands. The courts commonly denied legal recourse to indigenous persons and often favored nonindigenous parties of means and influence. Failure to obtain legal redress frequently led indigenous persons to attempt to regain land through invasions of private property, which led the authorities to retaliate forcefully.

Other Societal Abuses and Discrimination

There are no discriminatory laws based on sexual orientation, but in practice social discrimination against persons based on sexual orientation was widespread. Representatives of sexual diversity rights NGOs asserted that their members were killed, beaten, and subjected to other mistreatment by security authorities. In cases where lesbians, gays, and transgender persons were found dead, the prosecutor often encountered serious difficulties because the victims had either concealed their identity or sexual orientation or, in many cases, were hiding from their families. Criminal investigations were categorized by female or male gender but did not recognize a "transgender person" category. Sexual diversity rights groups asserted that security forces, government agencies, and private employers engaged in antigay discriminatory hiring practices. These groups also reported intimidation, fear of reprisal, and police corruption made gay and lesbian victims of abuse reluctant to file charges or proceed with prosecutions.

The government required, as a condition for legal registration, sexual diversity rights organizations to remove any reference in their bylaws to promotion of respect for the rights of gay, lesbian, or transgender persons. In March the secretary general of the Ministry of Governance and Justice commented publicly that the government denied registration to gay rights advocacy NGOs because their stated purposes did not comport with "good custom."

On April 24, Javier Medina, president of the Asociacion Kukulcan, filed an appeal against the Ministry of Governance and Justice's 2006 unilateral modifications to the legal registrations of Colectivo Violeta, Asociacion Kukulcan, and Asociacion de Gay, Lesbianas y Travestis. These modifications removed references to gay rights advocacy and instead stated that these organizations' purposes were only to combat HIV/AIDS. Medina stated that homosexuals were vulnerable and subject to constant and increasing human rights violations. There was no information available on the status of Medina's appeal.

The sexual diversity rights organization the Lesbian-Gay Rainbow Association of Comayagua reported that between January and March, seven homosexuals were killed due to their sexuality by unknown actors and that a number of gay

persons had fled the country out of fear of social and security force persecution.

On March 18, police beat and detained Donny Reyes, the treasurer of the Lesbian-Gay Rainbow Association of Comayagua. Police then reportedly put Reyes in a jail cell with 57 gang members who raped and beat him. Reyes filed a formal complaint and was subsequently harassed by police. At year's end there was no information about further developments in the case.

Amnesty International reported that on April 10, five men physically assaulted with police encouragement transvestite activist Josef Fabio Estrada. The police reportedly prevented other persons from aiding Estrada during the attack. On April 27, security authorities charged Estrada with attempted homicide and robbery and temporarily held him in a penitentiary for convicted criminals. Security officials reportedly neither detained nor brought charges against Estrada's attackers. There was no further information regarding any investigation of these incidents.

On May 26, police reportedly arrested and detained arbitrarily transvestite activist Claudia Spellmant and seven other gay persons and allegedly physically abused them. There was no information available regarding any investigation of these incidents.

By year's end police had detained two suspects in the August 2006 killing of Ramon Valladares, director of the Comunidad Gay Sampedrana.

Job-related age discrimination remained a serious problem.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of workers to form and join unions of their choice, and workers exercised this right in practice. The law prohibits members of the armed forces and the police force from forming labor unions and also prohibits public service employees from presenting union-organizing petitions or participating in collective bargaining. According to Ministry of Labor statistics, approximately 8 percent of the work force, excluding the agriculture sector, and approximately 13 percent of the 133,000 apparel assembly work force was unionized.

The law prohibits coexistence of more than two trade unions at a single enterprise, requires 30 or more workers to constitute a trade union, prohibits foreign nationals from holding union offices, requires that union officials be employed in the economic activity of the business the union represents, and restricts unions in agricultural enterprises with fewer than 10 employees.

A number of private companies continued to maintain solidarity associations that provided credit and other services to worker members. Representatives of organized labor groups criticized these associations, asserting that they did not permit strikes, had inadequate grievance procedures, were meant to displace genuine, independent trade unions, and were employer dominated.

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

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

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

The Ministry of Labor frequently failed to provide effective protection to labor organizers. Corruption and unethical behavior of inspectors included the selling of names of employee union organizers to company management before government recognition of the union. The government did not allocate adequate resources for inspectors to perform their duties. The International Labor Organization's (ILO) Committee of Experts 2007 observations noted with concern that the country's labor inspectorate offices did not have financial resources to cover travel for inspections and requested that the government provide transport facilities and other necessities to enable inspectors to carry out their duties.

In June automotive parts factory Alcoa Fujikura Limitada Honduras fired 74 employees because the workers tried to form a union. There were reports that labor inspectors informed the employer of the attempt to unionize before the workers were able to request legal protection during the union-formation period. By year's end the factory had not yet reinstated the fired workers.

In July apparel assembly factory Euha de Honduras closed without paying legally required severance wages to 274 employees.

In November Fruit of the Loom production factories Jerzees Honduras and Jerzees Choloma reinstated 48 of 118 workers fired in July and March for forming a union.

Leaders of a legally recognized union at apparel assembly factory Petrallex complained that factory management dismissed them in June, July, and December. There was no information available regarding any government follow-up of these incidents.

The NGO Worker Rights Consortium reported that apparel assembly factory Star S.A. dismissed workers who tried to form a union to protest substandard working conditions and mistreatment.

b. The Right to Organize and Bargain Collectively

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

The law provides for the right to strike, and workers exercised this right in practice. On August 27, teachers, taxi drivers, transport workers, and other groups blocked roads throughout the country to protest the government's handling of a number of domestic issues, including agriculture, the environment, indigenous rights, citizen security, and poverty. During the protest a motorist fatally shot a teacher who was protesting.

The law prohibits strikes in a wide range of economic activities deemed essential services and any others that in the government's opinion affect individual rights to security, health, education, economic, or social life.

The ILO criticized the law's denial of the right to strike to workers in the petroleum sector and to all government workers, other than employees of state-owned enterprises. At times civil servants engaged in illegal work stoppages without experiencing reprisals. In such cases, however, the Ministry of Labor has the power to declare the protest illegal at the request of the employer or public service sector management and dismiss the protesting workers. The legal restrictions on strikes include a prohibition on labor federations and confederations from calling strikes and a requirement that a two-thirds majority of the votes of the total membership of the trade union call a strike, rather than a simple majority.

The law provides additional restrictions on strikes in the 102 registered export processing zones (EPZs) and 19 industrial parks operating as EPZs. An additional 26 companies that provided services for industrial parks had their own free zones, outside the industrial parks. In the absence of unions and collective bargaining, several companies in the EPZs instituted solidarity associations that, to some extent, functioned as company unions for the purposes of setting wages and negotiating working conditions. Other EPZ companies used the minimum wage to set starting salaries and adjusted wage scales by negotiating with common groups of plant workers and other employees, based on seniority, skills, categories of work, and other criteria.

c. Prohibition of Forced or Compulsory Labor

The law generally prohibits forced or compulsory labor, including by children.

d. Prohibition of Child Labor and Minimum Age for Employment

The law regulates child labor and provides that minors under age 16 or students age 16 and older cannot work unless authorities determine that the work is indispensable for the family's income and will not conflict with schooling. The constitution and law establish the maximum work hours for children under age 17 as six hours daily and 30 hours weekly. Parents or a legal guardian can request special permission from the Labor Ministry to allow children between the ages of 14 and 15 to work, so long as the ministry performs a home study to ensure that the child demonstrates economic necessity to work and that the child will not work outside of the country or in hazardous conditions, including offshore fishing. In practice the Ministry of Labor conducted few home studies.

The law prohibits night work and overtime for minors under age 16 and requires that employers in areas with more than 20 school-age children working at their business facility provide a location for a school. In practice the vast majority of children

worked without ministry permits.

The government did not devote adequate resources or inspectors at the institutions to follow up, prevent, or monitor compliance of labor laws.

The Ministry of Labor did not effectively enforce child labor laws outside the apparel assembly sector, and there were frequent violations of the child labor laws in family farming, agricultural export, including the melon, coffee, and sugarcane industries, and in small-scale services and commerce. Many children worked out of economic necessity alongside other family members. The ILO Committee of Experts 2007 observations expressed concern about the government's decision to appoint child labor inspectors only to offices in Tegucigalpa and San Pedro Sula and requested that the government comply with its own legislation to conduct child labor inspections, even by using nonspecialized labor inspectors.

A 2004 survey by the National Institute of Statistics managed by the ILO's International Program on the Elimination of Child Labor (IPEC) determined that approximately 360,000 children, constituting 14 percent of children between the ages of five and 18, worked either part-time or full-time. IPEC estimated that the number may have risen to 500,000. Many boys between the ages of 13 and 18 worked as lobster divers with little safety or health protection. Children who worked on melon and sugarcane farms were exposed to pesticides and long hours. Although legally off limits to children, large numbers of minors worked at the garbage disposal sites. There were isolated cases of children under the legal working age laboring in the apparel assembly sector. A Program for the Promotion of Educational Reform in Latin America and the Caribbean study reported that 350,000 Honduran children between the ages of five and 17 were forced to work to survive.

Casa Alianza conducted a study in 20 cities and found that 10,000 children were victims of commercial sexual exploitation or trafficking in persons. The NGO stated that 300,000 youngsters under the age of 15 worked, 78 percent of whom were boys. Approximately 20,000 children served in households as housekeepers, and 34 percent of child laborers did not go to schools.

IPEC continued operating programs as part of a seven-year regional effort to combat commercial sexual exploitation of children. An international NGO collaborated with several local civil society groups in executing a program to strengthen the capacity of the government and civil society to withdraw and prevent children from engaging in hazardous labor through the provision of educational services.

The government conducted social and educational programs to reach at-risk children, including a school grant program to provide money for school supplies for very poor families, and an alternative schooling program using radio and long-distance learning for children in distant rural areas with few schools. Government measures had minimal impact on diminishing child labor in light of extreme poverty, famine conditions in rural areas, and a lack of jobs for school graduates.

In April a UN Educational, Scientific, and Cultural Organization project to removed 60 children, between the ages of seven and 17, from the city dump in Tegucigalpa. The project focused on providing education to the children and reintegrating them into mainstream society. A report by the Faculty of Medicine of the University of Verona, Italy, and the NGO Center for the Study and Control of Contaminants found seriously high levels of lead, arsenic, mercury, and cadmium in blood samples of children who worked at the dump.

e. Acceptable Conditions of Work

On March 18, the government announced a 9.7 percent general increase in the minimum wage retroactive to January 1. On December 26, the government announced an 11 percent general increase in the minimum wage to be effective January 1, 2008. According to government statistics, the minimum wage with the increases covered only 64 percent of the cost of feeding a family of five.

The daily minimum wage scale is divided into 10 sectors based on the size of the worker's place of employment. The scale ranged between \$2.88 (54.5 lempiras) for unskilled labor and \$7.13 (134.89 lempiras) for workers in financial and insurance companies.

In February a commission made up of private businesses, organized workers, and the Ministry of Labor approved a reduction in the minimum wage in apparel assembly factories in certain areas of the country.

The law prescribes a maximum 44-hour workweek and at least one 24-hour rest period for every six days of work. The law requires overtime payment for hours in excess of the standard, and there are prohibitions on excessive compulsory overtime. Employers frequently ignored these regulations due to the high level of unemployment and underemployment and the lack of effective enforcement by the Ministry of Labor. There were credible allegations of compulsory overtime at apparel assembly factories, particularly for women, who comprised approximately 65 percent of that sector's workforce. Foreign workers enjoyed equal protection under the law, although the process for a foreigner to obtain a work permit from the Ministry of Labor was cumbersome.

The Ministry of Labor was responsible for enforcing national occupational health and safety laws but did not do so consistently or effectively. Worker safety standards were enforced poorly, particularly in the construction industry, in garment assembly sector, and in agriculture production activities. There were complaints that foreign factory managers in EPZs and other private industrial facilities failed to comply with occupational health and safety regulations. Workers in pineapple production and other commercial agriculture enterprises alleged blacklisting by employers if they made complaints to the authorities about working conditions. The NGO Honduran Women's Collective reported that large numbers of apparel assembly workers had respiratory (including tuberculosis), digestive, and skin diseases. These health problems were due to air contaminated by fine dust and fabric fuzz, noise, lack of ventilation, lack of protective equipment, and extreme temperatures.

There were no developments, and none were expected, regarding any agreement between employers, the government, and divers regarding assigning responsibility for payment of damages for lobster divers who had been killed or crippled due to unsafe work conditions. The Commission of Divers was formed in order to follow up on training of divers and inspectors and to establish the minimum required equipment for divers in order to prevent accidents. Agreement was not reached on assigning responsibility for payment of damages in accident cases. The Confederation of Indigenous People of Honduras and the Association of Crippled Divers requested that the Labor Ministry provide assistance for the more than 500 disabled divers.

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

