



U.S. DEPARTMENT of STATE

Honduras

Country Reports on Human Rights Practices - [2006](#)

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Honduras is a constitutional democracy with a population of approximately seven 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.

Despite some positive steps, government corruption, impunity for violators of the law, and virulent gang violence exacerbated serious human rights problems in the country. The following human rights problems were reported: unlawful killings by members of the police, arbitrary and summary executions committed by vigilantes and former members of the security forces, the disappearance of a former dissident, beatings and other abuse of detainees by security forces, harsh prison conditions, failure to provide due process of law, lengthy pretrial detention, political interference in the judicial system, judicial corruption and institutional weakness, illegal searches, erosion of press freedom, violence and discrimination against women, child prostitution and abuse, trafficking in persons, discrimination against indigenous people, discrimination against persons based on sexual orientation, ineffective enforcement of labor laws, and child labor.

The government enacted a Civil Procedures Code to reform court proceedings within the next two years, the minister of security took significant steps to reform the police, and the country ratified the UN Convention on Civilian and Political Rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

While the government or its agents did not commit any politically motivated killings, members of the security forces were suspected of direct involvement in unlawful and arbitrary killings. As in previous years, nongovernmental organizations (NGOs) reported killings of youths and children by vigilante groups that also may have included members of the security forces (see section 5). There were no charges filed against or convictions of any persons in relation to such killings. Between 1998 and October, the NGO Casa Alianza reported the killings of 3,351 children and adults under the age of 23 (of which 472 occurred in the previous 12 months) and stated that government security forces were possibly involved in 65 of these killings.

Authorities sought or detained a number of police officials for their involvement in the killings of various individuals (see section 5).

On December 20, two environmentalists, Heraldo Zuniga and Roger Ivan Cartagena, were executed in front of the Guarizama municipality in Olancho allegedly by four members of the preventive police. The human rights prosecutor filed criminal charges against the four suspects.

On November 27, Comayagua police officers shot and killed bar owner Sean Keith Hanemann during a dispute at his bar; the police chief was also killed in the confrontation. At year's end two police remained in detention pending conclusion of an investigation.

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

Investigations continued in the August 2005 kidnapping and killing of Jose Mario Garcia, the head of human resources at the Ministry of Public Works, and in the December 2005 killing of Francisco Cruz Galeano, a General Confederation of Workers (CGT) union leader.

At year's end an investigation of the 2004 killing of Christian Democratic congressional candidate Luis Armando Genawer Paguada remained pending.

During the year court sentenced Arlin Daniel Escobar Moli for the 2003 killing of priest Guillermo Antonio Salgado.

In November the Inter-American Court of Human Rights accepted the case of the 2001 killing of Nationalist Party congressional candidate Angel Pacheco, for which there were no known suspects.

In 2004 the government accepted responsibility for human rights abuses committed in the 1980s and undertook to comply with Inter-American Court of Human Rights rulings regarding these killings. During the year a number of active and former military and police officials continued to face criminal charges for various human rights abuses, including the killings of 184 persons in the 1980s. Although most of the defendants were charged by the Public Ministry with illegal detention and murder, by year's end the Public Ministry remained unable to bring new cases against these individuals, including former members of the army's disbanded Intelligence Battalion 3-16 (see section 1.b.).

On September 21, the Inter-American Court of Human Rights condemned the government in connection with the illegal detention and killing by police of four youths in 1995, known as the "four cardinal points case," and ordered removal of any obstruction of justice that provided impunity for the perpetrators. As a result of the judgment, the human rights prosecutor requested that the criminal court in Tegucigalpa issue arrest orders for a number of suspects in the case. Despite the attention this case received, the court had not proceeded against the police officials involved.

On July 6, the Office of Forensic Medicine turned over to their families the remains of Jose Edelmiro Lopez Rosales and Angel Rolando Padilla Guillen, who were killed in the 1980s. The remains were exhumed from clandestine graves in 2005. Human rights organizations continued to seek information from various sources to locate other clandestine graves for future exhumations to advance prosecutions against alleged human rights violators. By law courts will not accept a case unless the body of the victim has been recovered and positively identified. An identified body allows families and human rights organizations to bring a case of suspected human rights abuse to court. Although arrest warrants were issued in 1996, no one has been held responsible for these killings nor have the courts initiated further actions.

The 2004 Inter-American Court of Human Rights case regarding the 1998 killing of environmental activist and councilperson Carlos Antonio Luna Lopez remained pending at the court.

At year's end the appeals court had not issued a judgment in the case involving retired major Manuel de Trejo Rosa, who was under house arrest for the 1982 illegal detention and attempted killing of Nelson MacKay Echevarria and Miguel Francisco Carias Medina (see section 1.c.). Rosa was no longer under house arrest, and the alleged crime has gone unpunished.

At year's end the case of Raymundo Alexander Hernandez Santos, who was charged with the 1982 illegal detention and killing of Adan Avilez Funez and Nicaraguan citizen Amado Espinoza Paz, remained pending a decision by the Supreme Court of Justice.

In November 2005 police detained Colonel Juan Blas Salazar for the murder and illegal house search of two individuals in the 1980s. At year's end the matter remained under investigation, and Salazar was in detention in connection with other charges.

Through October the Ministry of Public Security reported that unknown actors killed 30 police officers, noting that gangs may have committed nine of these killings. These killings included one in September in which 12 shots were fired point blank at the officer.

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 activists continued to assert that some councils, as well as private security companies with ties to former and current military or police officials, acted with the tacit complicity of police as vigilantes or death squads targeting youth and other elements of the population.

There were no developments and none were expected in the investigation regarding the 2004 killing of Cesar Virgilio Pinot, allegedly by Agro Oriental security guards.

During the year the NGO Casa Alianza reported 444 killings of persons 23 years or younger; 22 percent of the victims were age 18 or younger (see section 5). An increasing number of the victims showed signs of torture and characteristics of indiscriminate executions.

b. Disappearance

On June 11, five presumed agents of the General Office of Criminal Investigation (DGIC) kidnapped Jorge Ruiz Rosales, 53, former advisor of the National Association of Farmers of Honduras, as he was traveling from Tegucigalpa to Tocoa, Colon. 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. Family members filed a complaint with the DGIC on June 12.

The Ministry of Public Security reported that as of November there had been 14 kidnappings for ransom, compared with seven in 2005.

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.

The Public Ministry's appeal of the 2004 dismissal of charges against retired colonel Juan Evangelista Lopez Grijalba remained pending. Although Lopez Grijalba remained free on bail, on March 31 a foreign court found him liable for compensatory and punitive damages for torture of two plaintiffs, the disappearance and extrajudicial killing of a man, and torture, disappearance, and extrajudicial killing of another man.

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, 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.

Prison disturbances, caused primarily by harsh conditions and intergang violence, occurred in the larger facilities of San Pedro Sula, Tegucigalpa, and Choluteca. Through November, 29 gang members had been killed in prison, in some cases by members of rival gangs. For instance, on January 5, 13 prisoners were killed and 38 injured in a gang-initiated conflict at the Tamara National Penitentiary near Tegucigalpa. Authorities suspended two prison officials and opened an investigation.

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; however, Casa Alianza reported that rival gang members killed four minors in Centro Renaciendo. In the same detention center, a minor detainee died from a gunshot discharged from a guard's gun that had been smuggled into the center. After the incident, the Public Ministry and a juvenile court judge ordered the removal of armed guards from the detention center.

There were no further developments in the investigation of the 2004 fire at the San Pedro Sula prison that killed 107 inmates.

The Supreme Court of Justice sentenced the prison director and four other defendants to 19 years in prison for the deaths of 68 persons in 2003 at El Porvenir prison near La Ceiba.

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.

Female prisoners generally were held in separate facilities under conditions similar to those of male prisoners but did not have conjugal visit privileges as did male prisoners. 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.

Although the National Honduran Institute for Families (IHNFA) improved the infrastructure of four youth detention centers, overcrowding remained a problem due to the overall deficiencies of the juvenile penal system. Judges tended to place youth in detention centers in the absence of other educational or reform programs.

There were no further developments in the 2004 negotiations between the government and Casa Alianza over Casa Alianza's complaint to the Inter-American Court of Human Rights regarding four minors tortured in a Comayagua prison in 1995.

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.

In November the Committee for the Defense of Human Rights in Honduras (CODEH) asserted that since its inception in August the government's intensified crime reduction program, Operation Nation, had arbitrarily detained approximately 18,000 youth.

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. The minister of security took steps to strengthen the police, selectively instituting polygraph and drug tests and changing key personnel. Despite these steps, police lacked training and funding and were understaffed. Corruption was a serious problem. The Ministry of Public Security reported that from August 2005 to November 2006, authorities had prosecuted 29 police officers for offenses ranging from incompetence to corruption. On October 26, authorities reassigned 40 police officers and five other officials for soliciting bribes from suspects taken to the Fourth Station in the Belen neighborhood of Tegucigalpa. 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.

The government revived the citizen security councils, which human rights groups claimed were responsible for an increase in unlawful deaths (see section 1.a.).

A number of inspectors and directors of police have been charged with flagrant human rights abuses; their cases remained pending with the Public Ministry at year's end. For example, subcommissioner "El Tigre" Juan Carlos Bonilla who was suspected, but never charged, in a number of unresolved killings continued as inspector of jails at year's end.

During the year 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 of killings against youth and minors, including in some instances police, continued to act with impunity.

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.

The NGO CODEH continued government-funded programs to train staff of the Prison Police to prevent acts of torture. Police and military officials took human rights training provided by international donors.

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 62 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. For instance, 310 prosecutors were responsible for handling more than 361,000 cases. As a result of these 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 responsible officials to process their releases.

By the end of fiscal year 2006, authorities achieved the goal of clearing the overall judicial backlog of criminal cases by closing 256,713 cases, including approximately 13,000 cases involving current inmates.

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.

In June authorities arrested a member of the Presidential Guard in connection with the 1999 killing of Francisco Javier Morales in Trujillo. Subsequently, at least five members of the Presidential Guard were deployed to Trujillo on official orders, where they threatened and attempted to suborn witnesses, prosecutors, and judges dealing with the case. Two witnesses subsequently recanted their testimony; although the presidency was informed of the situation, it took no action in response. The defense attorney requested DNA testing, but the court denied the request. The guard remained in jail awaiting trial.

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 COFADEH were the only two organizations to bring charges against human right violators by seeking financial retribution. This can be done when the criminal court states 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). Despite reforms to the civil service system, National or Liberal party membership often was necessary to obtain or retain government employment.

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, demonstrators are restricted from using 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.

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.

Congress, the Presidential Palace, and other government entities granted more than 20 major awards to individual journalists on Journalists' Day; NGOs believed 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.

In October the Inter American Press Association criticized President Zelaya for using rhetoric hostile to the media. For instance, during an October public conference, the president reacted to articles alleging government corruption and negative reports about his family by suggesting the slogan of the major conservative newspaper El Heraldo should be changed from "Truth" to "Lies in Your Hands."

In July journalists Eduardo Maldonado and David Romero Ellner were charged for defamation and lies against Mario Maldonado (no relation to Eduardo Maldonado), former director of Hondutel. The case was pending prosecution at year's end.

Former minister of housing Johnny Kafaty accused Channel 36 journalist Esdras Amado Lopez of slander and libel in June 2005. Although charges were dismissed in an appellate court, on November 6, Kafaty refiled with the lower court.

In 2005 the mayor of the municipality of San Marcos de Ocotepeque charged Radio America correspondent Jose Aleman with defamation and lies, but there was no prosecution. In March the case was resolved by conciliatory measures proposed by the presiding judge. Aleman agreed to refer to the mayor in a more respectful manner, and the mayor promised not to take retaliatory actions against the correspondent, his family, or the station.

On September 4, city council member Guillermo Villatoro Hall sued journalist Ernesto Rojas of San Pedro Sula de Noche radio station. Also on September 4, in Tegucigalpa, Yansen Juarez, national coordinator of programs and projects in the Public Education Ministry, sued journalist Francisco Romero of the program Hablemos de Noche de Honduras. Media observers considered these to be harassment suits.

During the year there were several reports of threats or lawsuits against journalists by powerful persons, including legal cases against journalists for their reports on corruption. NGOs that monitor freedom of the press registered threats that ranged from subtle to overt censure to threats by organized crime, mainly narco-traffickers.

Journalists who worked for the NGO Association for a More Just Society (ASJ) suffered harassment, anonymous calls, and persecution for reporting on irregularities in the operation of two private security businesses. On December 4, Dionisio Diaz Garcia, the ASJ's human rights attorney who had reportedly received death threats associated with the same labor case, was shot to death in Tegucigalpa. The killing was one in a series of killings of lawyers and judges, many of which were attributed to involvement in narcotics trafficking cases.

Journalist Renato Alvarez's 2004 appeal to the Supreme Court of Justice seeking an annulment of his sentence for defamation and slander remained pending at year's end.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

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; however, the criminal associations law prohibits illicit association and prescribes prison terms of three to 12 years (see section 5). 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. A reform to criminal code 332 outlawing illicit association was used to persecute farmers and indigenous people.

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 religions that claim to use 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.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The constitution and law provide for these rights, and the government generally respected them in practice.

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

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 they feared persecution, and granted refugee status or asylum. During the year the government accepted 10 refugees for resettlement. The government cooperated with the UN High Commissioner for Refugees, the International Office of 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.

Women participated actively in politics and were increasingly well represented in elected offices. There were 31 women elected to the 128-seat National Congress, compared with seven in 2001; there were seven women on the Board of Congress, three of whom were in the top five vice-presidential positions; 10 women presided over congressional committees; eight of the 15 members of the Supreme Court of Justice, including its president, were women; the National Party was led by a woman for the first time in its history; four women were secretaries of state and five were technical secretaries.

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 executive and legislative branches were subject to corruption and political influence. The government implemented an anticorruption policy to reform institutions and prosecute public and private sector officials accused of corruption. The government also strengthened the National Anticorruption Board to include representatives of 12 organizations from civil society. There remained, however, a widespread perception among the public and international observers that corruption was severe and 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.

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. A foreign government revoked the visa of former president Rafael Callejas on grounds of corruption. The public and press warmly welcomed the action, which prompted a vigorous public conversation about the need for national institutions to police themselves better.

Ramon Romero, former director of immigration who was arrested and charged with various counts of corruption in May 2005, was dismissed from his post and at year's end faced criminal prosecution.

On November 27, Congress passed a strong transparency law that permits citizens access to information regarding government operations and decisions.

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 generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with these groups and were responsive to their views.

Journalists and lawyers working for the ASJ were harassed by a security firm (see section 2.a.).

There were no developments in the pending investigation of the 2004 killing of human rights activist Marvis Guelio Perez and the 2004 assault of Jose Idalecio Murillo, a leader of the Regional Coordination of Popular Resistance.

The government cooperated with international organizations such as the International Committee of the Red Cross, which visited once during the year.

The National Human Rights Commission (CONADEH), an autonomous government institution, was headed by Human Rights Commissioner Ramon Custodio Lopez. The CONADEH 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 CONADEH.

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 were subjected to discrimination.

Women

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. However, Congress amended the law to expedite the judicial process and improve precautionary measures and treatment for the victims. During the year the Public Ministry received 9,467 reports of alleged domestic violence, which resulted in 1,023 convictions; 237 cases remained under investigation. There were 2,398 reports of alleged intrafamily violence, a more serious crime under the law, with 47 cases prosecuted. There were 1,427 reports of rape, resulting in 52 convictions.

The government worked with CARE and other NGOs to provide specialized training to police officials on enforcing the law relating to domestic violence. 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.

The penalties for rape range from three to nine years' imprisonment, and the courts enforced these penalties in practice. Because all rapes, with the possible exception of spousal rape, which is evaluated on a case-by-case basis, are considered public crimes, a rapist can be prosecuted even if the victim does not press charges.

Whereas 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 (see section 5, Trafficking).

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 paying them lower salaries. 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, domestic workers, and other issues.

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 (INE) study estimated that as many as 368,000 of the 1.7 million children ages five to 12 did not receive any schooling during the year. In 2002 INE reported that only one of two students reached the sixth grade.

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. The Public Ministry received from Tegucigalpa and San Pedro Sula 1,934 reports of alleged crimes against children, including child abuse of which 216 were processed; 100 of the 216 cases were returned with no merit from the courts. In the same two cities, 72 cases were resolved, and the others remained under investigation or held up in the courts.

Trafficking in children for commercial sexual exploitation and child prostitution were problems (see section 5, Trafficking).

Child labor was a problem (see section 6.d.).

The government and children's rights organizations estimated that there were 20,000 street children, only half of whom had shelter. Many street children were sexually molested or exploited. Programs to address this problem were limited. The Tegucigalpa city administration operated 12 temporary shelters with a total capacity of 240 children. The NGO Casa Alianza operated three shelters (with a capacity for 160

children) for victims of commercial sexual exploitation, for street children, and for children with substance abuse problems. The NGO provided assistance to approximately 1,300 children each year, attempting to reintegrate them with their families. Other private organizations and IHNFA centers also housed street children and cared for approximately 2,500 children.

Abuse of youth and children in poor neighborhoods and in gangs remained a serious problem. Members of the police and members of the general population engaged in violence against poor youth and children (see sections 1.a. and 1.c.). Human rights groups alleged credibly that individual members of the security forces worked with civilian (including vigilante) groups and 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.

During the year the legal arm of Casa Alianza investigated two cases of police brutality against minors. On March 23, preventive police officers assaulted minors Luis Sander Gomes Salgado and Dawin Sevilla. On June 20, agents of the DGIC illegally detained and abused minor Josue Armando Turcios. During the year killings of 444 children and young adults (ages 23 and under) were reported. Casa Alianza reported that normally law enforcement officials participated in these actions as individuals rather than as agents carrying out official policy. The NGO also stated that often these officials enjoyed a "climate of impunity" due to public opinion, which often favored a strategy of "social cleansing" toward alleged gang members and other juveniles suspected of criminal activities.

Several groups and families of the victims pushed for investigations into specific incidents, while others claimed to have provided public prosecutors with evidence of collusion between police elements and business leaders. The Ministry of Public Security acknowledged 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.

From January to September, the Special Investigative Unit on Child Killings had received cases involving killings of 80 minors; the unit attributed the killings to the categories of: unknown assailants (57 percent), gang members (30 percent), private individuals, family members and delinquents (12 percent), and police (1 percent). The new administration replaced most personnel in the investigative unit, thus depriving the unit of experience and technical ability. The investigative unit reduced the frequency of its reporting from monthly to semiannually, which constituted a setback in the investigation and prosecution of killings of youths.

The investigation continued into the 2004 Chamelecon massacre that resulted in 28 dead, six of them children; five gang-member suspects remained in detention pending the outcome of the investigation.

The law outlaws illicit association, 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, 718 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 sub-groups; 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 a new law criminalizes trafficking in persons, there were reports that persons were trafficked from and within the country.

Women and children were trafficked into Guatemala and also internally, most often from rural to urban settings. The commercial sexual exploitation of children was a serious problem. 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. As of October Casa Alianza estimated that there were approximately 10,000 child victims of some form of commercial sexual exploitation, and 90 percent of the children trafficked from the country were girls. The Office of the Special Prosecutor for Children conducted 30 operations jointly with the police, the IHNFA, judges, and Casa Alianza, to rescue victims and to arrest and prosecute those responsible for the victims' exploitation.

The new law, which came into force on February 4, sets increased penalties and defines new offenses related to trafficking. Penalties involve longer imprisonment in six areas: incest, lechery, abuse, prostitution, pornography, and knowingly infecting someone with HIV/AIDS. Punishments include fines ranging from \$5,000 to \$25,000 (100,000 to 500,000 Lempiras) and imprisonment for four to 20 years. The application of the new law has been limited, reflecting an inadequate understanding of the complexity of human trafficking and commercial sexual exploitation on the part of judicial officials.

Most traffickers were apparently citizens of the country, Guatemalans, Mexicans, or in some cases, Chinese or Taiwanese.

There were 13 prosecutors in Tegucigalpa, five in San Pedro de 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. Some officials were investigated and dismissed for corruption.

During the year the court sentenced Lina Odales Diaz Luqe to eight years in prison and imposed a fine of \$5,000 (100,000 lempiras) for sexual exploitation of girls, possibly using the Internet, in Honduras and Guatemala.

Three members of an international human trafficking ring arrested in January 2005 for luring women into commercial sexual exploitation abroad remained in detention while awaiting a preliminary hearing.

A court convicted and sentenced Glenda Suyapa Calderon, who was arrested in May 2005, to three years' and nine months' imprisonment for trafficking girls into Guatemala.

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 greater Tegucigalpa metropolitan area, an estimated 2,280 children were sexually exploited. In 2005 there were 37 cases of trafficking in persons, of which 17 were brought to trial and 10 resulted in conviction. By the end of year, the Public Ministry indicated there were 21 active sexual exploitation cases, of which 10 were under investigation.

During the year the government cooperated with foreign governments to identify and repatriate minors. The Office of the Special Prosecutor for Children worked with its Guatemalan counterpart to locate and repatriate children who were trafficking victims, with 51 children returned from Mexico and Guatemala and one child each from Belize and Nicaragua. A five-year National Action Plan against commercial sexual exploitation of children and adolescents in the country was published in June; however, by year's end no actions had been implemented.

The women's prosecutor worked with the International Office for Migration (IOM) to help women who were victims of trafficking, found principally in Mexico and Guatemala, reintegrate into the social and work environment and provide them with psychological treatment; opened a prevention center for women; and trained 2,000 police officers on trafficking-related law enforcement practices and procedures. In November the IOM, the Interinstitutional Commission on Trafficking, and the UN Children's Fund completed a protocol for the repatriation of children and adolescents who were victims of or vulnerable to trafficking. The government did not provide assistance to foreign victims of trafficking and did not provide funding to NGOs that helped trafficking victims. IHNFA was responsible for dealing with repatriated minors upon their arrival in the country. In Yunque, Ocotepeque, IHNFA (with support of the Catholic Church and IOM) operated a shelter for the returned minor victims.

The government and Casa Alianza, along with other NGOs, participated in six training seminars on the prevention and eradication of the commercial sexual exploitation of children and trafficking in women and children. Through these seminars the Public Ministry trained a total of 250 justice officers, which included judges, prosecutors, and preventive and frontier police.

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.

General 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 in the provision of other state services. The law requires access to buildings for persons with disabilities. In practice only a few buildings were accessible, such as the National Registry of Persons and the offices of the Property Institute. In May government responsibility for protecting the rights of persons with disabilities passed from the Public Ministry's Office of the Special Prosecutor for Children and Persons with Disabilities to its Office of the Special Prosecutor for Human Rights.

Indigenous People

Approximately 621,000 persons, constituting 9 percent of the general population, were members of indigenous and other ethnic groups. These populations, 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 group. 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 between landless nonindigenous settlers and powerful business elites and government entities interested in exploiting coastlines, forests, and other lands traditionally occupied or utilized by indigenous and other ethnic groups. 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."

By year's end there were several protests by indigenous groups regarding land rights disputes and perceived government discrimination. On November 30, the government purchased indigenous community lands and transferred them to the Chorti, pursuant to a commitment the government made in 1997.

In early April Congressman Romualdo Bueso Melghem allegedly tried to strangle a journalist to prevent her from recording threats he was making to Lenca indigenous leader Salvador Zuniga. An investigation took place after journalist Marta Vasquez filed a complaint with the Public Ministry's special prosecutor for minority groups. One of the witnesses was Dr. Orizon Velasquez, then secretary of health, who had said he had been at the meeting where Melghem supposedly had committed the aggression; however, the Office of the Prosecutor was not able to present its case because the video tape of the aggression mysteriously disappeared, and Dr. Velasquez later declared that he had no comment on this case.

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. During the year Garifuna leaders reported 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 the Garifuna people.

In February the Inter-American Court of Human Rights criticized the government for having held Garifuna leader Alfredo Lopez Alvarez in deplorable prison conditions without any evidence against him. Alvarez was released from prison in July 2004.

In July Garifuna leader Jessica Garcia said she was forced at gunpoint to sign a document surrendering land and rights to a powerful real estate company. After refusing to accept a bribe to endorse the document, she claimed a company representative threatened to kill her and her children. The case, which was sent to the court by the local prosecutor's office and was considered a felony, followed the killing of two Garifuna community members in San Juan and violent attacks against the San Juan community by security guards working for a major real estate development company. The three cases involving the Garifuna were investigated by the office of the prosecutor and presented to the criminal court in Tela. At year's end the accused were in prison pending their court date.

In July National Party Congressman Miguel Angel Gamez publicly stated that the election of three Liberal Party congressmen "bothered" him. In a March 30 interview, Gamez said that he was a racist and "did not like blacks." The Garifuna community denounced the congressman, urging the government to punish him under the laws against racism. The Public Ministry's special prosecutor for minority groups opened an investigation, following which Congressman Gamez publicly apologized and promoted congressional motions to benefit the Garifuna community.

Two Garifuna youths, Castillo and Lopez, were found killed after an incident at a party on February 25. Witnesses said they had argued with six naval officers of the First Naval Battalion. At the crime scene, M-16 casings were found. The prosecutor's office issued orders of arrest against the six officers. Their first court appearance took place in March, and they remained imprisoned in the Tamara jail at year's end.

Mirna Isabel Santos Thomas, a young Garifuna woman, was killed in San Juan, Tela, and the court of Tela issued an arrest order for three individuals who were clearly identified as the culprits. The first court hearing took place in September, and the judge ordered preventive prison terms for the three individuals pending a new court hearing.

CONADEH reported that police agents fraudulently took natural resources such as wood from indigenous groups and that Monsignor Luis Alfonso Santos, who has led protests against strip mining, reported receiving death threats; however, no charges were brought against the mining companies.

The government undertook minimal efforts to work with indigenous groups to address concerns regarding ownership and use of traditional lands.

The courts commonly denied legal recourse to indigenous groups and often favored nonindigenous parties of means and influence. Failure to obtain legal redress frequently led indigenous groups to attempt to regain land through invasions of private property, which gave the authorities occasion to retaliate forcefully.

Human rights organizations, including AI, continued to complain about alleged poor treatment, police beatings, and denial of adequate medical care for indigenous brothers Marcelino Miranda Mendoza and Leonardo Miranda Mendoza, members of the Civic Council of Indigenous and Popular Organizations of Honduras. In 2003 a court convicted and sentenced the brothers to 29 years' imprisonment for the 2001 murder of Juan Reyes Gomez. The Supreme Court of Justice overturned the sentence in 2003 and ordered the appeals court to reconsider the case. The two brothers were released during the year and absolved of charges of murder, theft, and damages. The Special Prosecutor's Office of Ethnic Affairs opened a case against 22 police officials for abuse of power, torture, and damages against the Lenca brothers. The court put the case on hold, but the prosecutor's office requested that it be reopened.

Daniel Martinez Montes from the Toulepan tribe was murdered at the El Palmar tribe in Morazon, Yoro. The prosecutor for ethnic affairs and the police captured three men accused of the crime, who were put in prison.

Other Societal Abuses and Discrimination

During the Maduro administration, legal recognition and registration was granted to lesbian-gay-bisexual-transgender rights group. There were no discriminatory laws based on sexual orientation, but in practice social discrimination against persons based on sexual orientation was widespread. Representatives of the sexual diversity rights NGOs Violet Collective, the San Pedro Gay Community, Kukulcan, and the Transvestite Sex Workers Collective of San Pedro Sula asserted that their members regularly experienced abuses, beatings, killings (see section 1.a.), and other physical and verbal mistreatment from authorities. In cases where lesbians, gays, and transgenders were found dead, the prosecutor's office often encountered serious difficulties because the victims were either concealing their identity or sexual orientation or, in many cases, were hiding from their families. Criminal investigations were categorized by female or male gender and not transgenders. The Inter-American Commission of Human Rights documented approximately 200 cases, but continuing technical problems made these cases very difficult to document and process correctly. Gay rights groups also asserted that there was antigay discrimination by security forces and government agencies and that employers used illegal discriminatory hiring practices. These groups also reported that due to intimidation, fear of reprisal, and police corruption, gay and lesbian victims of abuse were reluctant to file charges or proceed with prosecutions.

The NGO Red de Hombres Gay Positivos alleged that employers routinely ignored antidiscrimination employment laws and used testing supposedly for syphilis among employees and job applicants as a means to detect HIV status to screen persons testing positive. The NGO also alleged that some Protestant churches fueled prejudice against HIV-positive persons because there are no regulations in the matter. Certain Protestant churches called for the elimination of the legal representation of gay and lesbian groups.

Job-related age discrimination was 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 July statistics from the Ministry of Labor, approximately 8 percent of the work force, excluding the agriculture sector, and approximately 13 percent of the 133,000 maquiladora 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 less than 10 employees.

A number of private firms continued to maintain solidarity associations that provided credit and other services to workers who were members of these associations. 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 over allegations of 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, and failure to reinstate workers was a serious problem.

Although the law prohibits blacklisting, there was credible evidence that maquiladora employers blacklisted employees seeking to form unions. There were 46 reports of maquiladora workers allegedly fired for union activity who were hired for one or two weeks and then dismissed with no explanation. Maquiladora 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. During the year the new minister of labor fired many of these inspectors.

On September 28, the NGO Women's Group of Honduras complained that the Golden National Group maquila in Choloma closed operations without paying legally mandated salaries to 250 employees, mostly women.

The complaint that 30 maquiladora workers filed, which alleged that they were fired in February 2005 for trying to form a union at their workplace at the Olga de Villanueva company, remained under investigation by the Ministry of Labor at year's end.

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 1, public school teachers held a national strike. After a violent demonstration on August 9, in which security forces demonstrated due restraint, the strike ended on August 11 when the government agreed to a raise in salaries due to a campaign pledge. The law, however, 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. Essential services include air and water transportation, electrical energy production, telecommunications, hospitals and clinics, refuse collection and cleaning services, production of primary necessities affecting public services, social and charitable associations, animal and plant hygiene and scientific investigation of illnesses, as well as petroleum production, refining, transport, and distribution.

The International Labor Organization (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 same labor regulations apply in the export processing zones (EPZs) as in the rest of private industry, with the exception that the law provides additional restrictions on strikes in EPZs. There were 45 free zones established in the country and 18 industrial parks operating as

EPZs. An additional 26 companies 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

Although the law generally prohibits forced or compulsory labor, including by children, it permits compulsory labor for convicted criminals. Additionally, there were credible allegations of compulsory overtime at maquiladora plants, particularly for women, who comprised approximately 65 percent of that sector's workforce.

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 17 years 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.

Approximately 57 percent of the country's population was under age 15. 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 maquiladora 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.

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 during the year 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.

Casa Alianza conducted a study in 20 cities throughout the country and found that 10,000 children were victims of commercial sexual exploitation crimes or trafficking in persons (see section 5). 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.

There were isolated cases of children under the legal working age working in the maquiladora sector. Younger children sometimes obtained work permits by fraud or purchased forged permits.

The Ministry of Labor continued a campaign to increase industry awareness on the worst forms of child labor. The IPEC program identified the worst forms of child labor in the country as commercial sexual exploitation particularly in tourist areas along the North Coast, fireworks production, offshore diving from boats for commercial lobster fishing, limestone quarrying and lime mining, garbage dump picking, melon and other commercial agriculture production involving handling of pesticides, wood-cutting in saw mills, and construction activities.

The government undertook social and educational programs to reach at-risk children, including a school grant program of the Ministry of Education 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.

e. Acceptable Conditions of Work

The daily minimum wage scale, which was updated during the year, is broken down by sector and size of business: small (one to 15 workers) and large (16 or more workers). The scale ranges from \$3.58 (68 lempiras) for workers in small agriculture to \$5.63 (107 lempiras) for workers in financial and insurance companies and workers in export-oriented businesses, including maquiladoras and commercial agriculture such as tobacco, coffee, bananas, and seafood production. Workers in areas such as construction, services, mining, transportation, and communication had minimum wages between these two rates. The minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor and the Minimum Wage Commission were responsible for enforcing the minimum wage.

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. 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 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 (see section 6.b.). Workers in pineapple production and other commercial agriculture enterprises alleged blacklisting by employers if they made complaints to the authorities about working conditions. During the year the Ministry of Labor trained labor inspectors to integrate and unify inspection capacity. The ministry also undertook with the National Autonomous University of Honduras a technical assistance workshop diploma course on workplace risk prevention that trained 24 inspectors.

A 2005 case filed by the NGO Association of Crippled Mosquito Divers with the Inter-American Commission on Human Rights called on the government to adhere to a 2004 agreement with the association requiring employers to create better working conditions for divers. A July report by CONADEH indicated that 50 divers had died in recent years and nearly 20 percent suffered paralysis. The minister of labor called upon employers to comply with security measures for the divers. 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 law does not provide workers with the right to leave a dangerous work situation without jeopardy to continued employment.