



## 2008 Human Rights Report: Honduras

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR  
**2008 Country Reports on Human Rights Practices**  
February 25, 2009

Honduras is a constitutional, multiparty democracy with a population of approximately 7.7 million. In 2005 Liberal Party candidate Jose Manuel Zelaya Rosales won the presidency in elections that were considered generally free and fair by international and domestic observers. The Liberal and National parties continued to dominate the politics of the country. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces 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 and former members of the security forces; violence against detainees by security forces; harsh prison conditions; corruption and impunity within the security forces; failure to provide due process of law; lengthy pretrial detention; politicization of the judiciary, judicial corruption, and institutional weakness; erosion of press freedom; corruption in the legislative and executive branches; government restrictions on recognition of some 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, particularly of youths and children by vigilante groups that may have included members of the security forces. Casa Alianza reported that at least eight such cases involved security forces. The Prosecutor's Office pressed charges in some cases, but there were no known convictions during the year, and Casa Alianza had no data regarding sentences issued in the case of child and youth murders. The government has a Special Unit of Investigation of Child Murders, but the investigative process seldom identified the perpetrators.

Through August the NGO Casa Alianza reported the killings of 86 minors under age 18 and 273 youths ages 19-22. Casa Alianza reported that more than 78 percent of the killings were committed by unknown assailants, 9 percent by acquaintances, 5 percent by private security forces, 2 percent by government forces; 8 percent were attributed to gang violence.

Several groups and families of juvenile victims claimed to have provided public prosecutors with evidence of collusion between police elements and business leaders in perpetrating killings. 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.

In midyear a Tegucigalpa court dismissed all charges against 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.

While observers linked some killings of high-profile targets, such as environmentalists, labor leaders, attorneys, and politicians, to organized crime and narcotics traffickers, other cases were apparently politically motivated.

On July 11, two unknown assailants killed attorney Marco Antonio in front of witnesses; he was the 17th legal professional killed up to that date.

In July unknown assailants outside the town of Juticalpa ambushed and killed Shamir Guifarro Ramirez, Henry Arturo Chacon, and Nelda Ochoa--the son, father-in-law, and mother-in-law, respectively, of environmentalist Mario Guifarro, who was himself killed in September 2007. Guifarro Ramirez was the only witness to his father's killing. There were no suspects in either of the Guifarro killing cases. Public Ministry investigations identified Yuny Alexander Sanchez, Jorge Tejada Pacheco, and Jose Angel Rosa Pacheco as the principal suspects in Mario Guifarro's killing and indicated that Mario Guifarro may have had illicit business dealings with Rosa Pacheco.

In the run-up to the November 30 primary elections, there were several politically motivated killings, which analysts interpreted as a "message" from organized crime for the Liberal Party and President Zelaya in particular to stop maneuvering to remain in power. On November 12, vice mayoral candidate Danilo Edgardo Castro Hernandez was killed in La Lima. On November 14, Julio Cesar Padilla, Liberal Party candidate for mayor of Morazan, Yoro Department, was killed. On November 22, masked gunmen killed Mario Fernando Hernandez Bonilla, a Liberal Party congressional deputy and one of four congressional vice presidents.

There were developments in several high-profile killings in earlier years. On October 14, authorities in Chiapas, Mexico, arrested Rodolfo "Fofo" Humberto Salinas Castejon, a principal suspect in the 2007 killing of army Captain Alejandro Humberto Zavala, a bodyguard of President Zelaya. Salinas Castejon remained in pretrial detention at year's end. Investigations also identified as suspects Juan Ramon Castejon Mendoza (who died in June 2007) and Darwin Alexander Villalta, who remained at large.

The Public Ministry ordered the arrest of David Portillo in connection with the June 2007 killing of Garifuna leader Felix Ordonez Suazo in Punta Piedras, Colon Department. Portillo remained at large at year's end.

Authorities identified Carlos Alberto Navas Gonzalez as the principal suspect in the November 2007 killing of Regional Red Cross President Jose Raul Carranza Soto in Puerto Cortes. There were no known developments in the prosecution of the case, but Navas Gonzales remained in prison on illegal arms charges. The only witness for the case was killed two days after testifying to the police.

On July 1, a court convicted four policemen of the 2006 killings of Heraldo Zuniga and Roger Murillo, two environmentalists working to protect the forest in Olancho Province. The policemen, Linton Omar Caceres Rodriguez, Rolando Antonio Tejada Padilla, Juan Jose Talavera Zavala, and Jose Arcadio Gonzales, faced sentences of 20 to 30 years' imprisonment. However, between July 21 and 24, Caceres, Talavera, and Gonzales escaped from prison, and their whereabouts remained unknown at year's end.

On April 29, authorities arrested Italo Ivan Lemus Santos (who had just been deported to the country) for the killing of environmentalist Carlos Luna in 1998. Other suspects including Jorge Adolfo Chavez and the alleged intellectual author, Jose Angel Rosa, remained free, and there were no known developments in the prosecution of the case.

Violent crime continued to fuel the growth of private unlicensed security guard services and vigilante groups that allegedly patrolled neighborhoods and municipalities to deter crime. Human rights organizations asserted that some citizen security councils (neighborhood protection groups), 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 11, Irene Ramirez, a member of the Aguan Campesino Movement (MCA), was killed in Trujillo. She had previously received a number of threats from local land owners and large-scale ranchers in the region. There were no known developments in the case.

On August 5, 11 persons were killed in a massacre stemming from a land dispute between the family of police official Henry Osortos and the MCA in Silin, Colon Department. After the killings, the government reportedly negotiated a payment to the ranchers of over 75 million lempira (approximately \$3.9 million) to allow the peasants to stay on the land, receive legal titles, and obtain permission to construct 400 new homes. On October 17, authorities arrested Jose Isabel Morales Lopez on charges of planning the Silin massacre. According to the public prosecutor, 31 other peasants, all members of the MCA, were also charged with aggravated arson and the murder of the 11 victims.

On October 2, 9, and 14, unknown assailants killed three land-rights activists and community leaders, Fredis Osorto, Elias Murcia, and Ubence Aguilar, in the Cofradia sector of Cortes Department.

#### b. Disappearance

Through May 22, authorities reported receiving 227 cases of disappearances of minors: Some disappearances were thought to be criminally-motivated abductions killings, and others were attributed to voluntary acts of persons leaving the country for employment elsewhere.

On October 6, Jose Alfredo Guevera, Carlos Lazo and Hector Herrera disappeared reportedly after being detained by police officers.

There was no information, and none was expected, in the 2007 disappearance of Milton Elias Cardona from his house in Siquatepeque, Comayagua.

There was no information, and none was expected, regarding the disappearances in 2006 of Panamanian nationals Jose Camilo Miranda, David Rodrigo Villalobos Valladares, and Jorge Luis Villalobos Valladares (all last seen in the custody of Roatan police) or of Jorge Ruiz Rosales, former advisor of the National Association of Farmers of Honduras, and Elvis Zepeda Barrientos, both of whom government authorities had detained.

On December 5, the government published a decree that created the National Reparations Program, which was to consider specific cases of deaths and disappearances for reparations; the program directors not been named by year's end.

#### 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.

On July 23, policemen fatally beat Carlos Enrique Mayorga of Copan. Officer Wilson Rubio arrested Mayorga and took him to the local police station where five other policemen beat Mayorga on the head, stomach, and genitalia

before releasing him. Mayorga died hours later at the hospital; Rubio was suspended from duty.

Both Marvin Javier Martinez Bermudez and Jose Santiago Lopez Villalobo remained in prison pending trial on charges of killing Judge Alba Leticia Bueso. Allegations that security authorities tortured them in August 2007 to compel a confession were not confirmed. Two other suspects, Ruben Antonio Pineda Hernandez and Olvin Alexander Lopez Moreno, involved in the killing of Judge Leticia Bueso remained at large.

In December 2007 the Public Ministry charged five police officers for the torture and illegal detention of several members of the NGO Lesbian-Gay Rainbow Association of Comayaguela. There were no known developments in the case.

#### 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. On July 11, the Special Prosecutor for Human Rights announced an investigation of a basement cell possibly used as an inhumane holding cell in the remote village of Villa Vieja; however, a Public Ministry investigation determined there was no conclusive evidence of torture or human rights violations.

Prisoners were subject to other abuses, including rape by other inmates. Adequate food or other basic necessities were not provided. Prison escapes through bribery or other means continued to occur. On October 23, the NGO Center for Torture Prevention and Rehabilitation reported that seven of 10 inmates were tortured or otherwise abused in, or on their way to, prisons and jails. Their report also found that municipal and preventative police routinely rounded up vulnerable or "delinquent" youth (for example, gay, lesbian, transsexual, sex workers, and drug addicts) without cause or explanation of their rights.

Several prison officials, including Wilfredo Maradiaga Oseguera and Aldo Rodolfo Oliva Rodriguez, were under investigation for abusing their authority and permitting prisoners illegal furlough privileges.

Prison disturbances, caused primarily by harsh conditions and intergang violence, occurred in the larger facilities of San Pedro Sula, Tegucigalpa, and Choluteca. Through October 27, the Ministry of Public Security reported that 39 prisoners had been killed while incarcerated, in most cases due to rival gang violence.

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 April 26, nine prisoners died in the San Pedro Sula penitentiary in a riot between common criminals and gang members.

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.

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, as 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 enforce these prohibitions effectively.

The Committee for the Defense of Human Rights in Honduras (CODEH) alleged that an undetermined number of security officials had arrested arbitrarily, and sometimes tortured, more than two dozen persons, under the government's Operation National program. The program consists of sets of different police operatives ordered by the government to monitor the population in different sectors of the major cities.

Police arrested persons based on such factors as forms of dress and types of tattoos.

On September 29, policemen wearing ski masks allegedly arrested Mario Alvarez, Nelson Alvarez, Heliodoro Amador, and Alonso Andino, peasant land-rights activists with the Union and Strength Campesino Association, in the town of Suntule, Francisco Morazan Department. The following day, according to credible media reports, another police squad came to the house of the group's secretary general and forced his wife at gunpoint to sign documents that handed over the group's lands in 60 days. There was no known investigation.

#### Role of the Police and Security Apparatus

The Ministry of Public Security oversees police operations, including those of the Preventive Police, Criminal Investigation Division (DGIC), Transit Police, Frontier Police, Tourist Police, and Prison Police. Corruption and impunity were serious problems within the security forces. The new Police Law approved in October restructured the Ministry of Security, resulting in creation of an Office of Internal Affairs (IA) answering directly to the minister.

The IA 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.

According to the Public Ministry, during the year 312 reports were filed against the police with the Special Prosecutor for Human Rights, of which 163 cases were investigated and 43 were discovered to have merit. The majority of these reports involved excessive use of force, unlawful detention, and extortion.

On April 17, during the march for striking prosecutors, an armed man threatened and unsuccessfully attempted to force educational leader Sergio Rivera into a vehicle. Witnesses said that the vehicle was full of government elite Special Forces agents.

On June 6, a court found guilty and sentenced 21 of the 43 members of the government implicated in the 2003 "El Porvenir Jail Massacre"; those sentenced included the chief of police of La Ceiba and the police commissioner.

On September 10, after infiltrating an Autonomous National University of Honduras (UNAH) union meeting, two plainclothes National Police officers were identified and found to be carrying a list of more than 130 recognized leaders from various sectors of civil society named as "dangerous" on the list. The list included the crossed-out name of slain labor leader Altigracia Fuentes with the written words "dead" next to her name.

The Ministry of Security reported that during the year authorities prosecuted 268 police officers for offenses ranging from abuse of authority to drug trafficking, rape, and homicide.

Gang violence and intimidation, notably on public transport, remained serious problems and led the government to station security officers on many public buses. In some instances police lethally targeted youth and minors, often with impunity.

#### Arrest and Detention

The law provides 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 and 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 and the right of prisoners 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 53 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 filed with the DGIC in 2007, 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 the 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.

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 were the only organizations that brought charges against human rights violators by seeking monetary damages. A litigant can bring such charges when the criminal court determines that damages 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

The constitution and the law generally provide for freedom of speech and of the press, and there was substantial press freedom in the country. However, there were reports of government intimidation of journalists, government takeovers of television transmission frequencies, 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.

In August the National Commission of Telecommunications (Conatel), disregarding a judge's ruling, transferred the rights to broadcast on Channel Eight from a private enterprise, Teleunsa, to the Office of the President. Earlier in the year, Conatel refused to release the broadcast rights of Channel 12 to their owner, the Eldi business firm. On November 20, a court ruling ordered Conatel to turn over the broadcasting rights to Eldi; however, Conatel had not complied by year's end.

On September 11, NGOs published two reports describing threats to media freedom by the practice of "official publicity." The reports detailed how the government guided press coverage through greater access and advertising revenue for those producing favorable reporting while denying access or making legal threats against those who did not. The reports noted that "official publicity" had increased and was worsened by concentration of media ownership.

On November 17, President Zelaya announced that he would seek to regulate the media through legislative means to counter a "culture of death" propagated by the media with support of National Congress President Roberto Micheletti.

NGOs 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 venality, politicization, and outside influences. According to NGOs, government ministers and other high-ranking 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 and to the president, especially on international visits, was limited to the "friendly" press and was arbitrarily awarded and withdrawn by presidential palace staff.

Thelma Mejia, a member of the National Anti-Corruption Council and former director of the NGO C-Libre, reported that at least three dozen journalists, many of them in rural areas, were subjected to threats and intimidation during the year.

On January 1, two unidentified men shot and killed Jose Fernando Gonzales, the owner of Radio Mega in Trinidad, Santa Barbara Department. The local press reported that local police had identified but had not apprehended the perpetrators.

In April in Santa Rosa de Copan, Copan Department, reporter Carlos Roberto Chinchilla of Channel 12 news and his cameraman, Marlon Dubon, received several death threats from two armed men wearing masks, warning them that they had five days to get out of town before being killed.

In May the Director of Radio Globo Sandra Maribel Sanchez announced that she and her family had received threats and had been repeatedly followed by unmarked vehicles due to her support for the prosecutors' hunger strike that began on April 7 (see section 3).

On October 27, authorities arrested German David Almendarez as a suspect in the October 2007 killing of Radio Cadena Voces journalist Carlos Salgado. At year's end Almendarez remained in custody at the Tamara National Penitentiary awaiting trial.

#### 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. According to the May National Institute of Statistics Household Survey, 10 percent of the population had access to the Internet.

#### 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 authorities applied the law prohibiting illicit associations to arrest individuals for being members of Mara Salvatrucha and other gangs. The government used criminal code reforms outlawing illicit association to arrest and take land away from suspected gang members, 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.

#### 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 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened and granted refugee status or asylum. Through November 19, the Office of Migration reviewed no applications for refugee status. The government cooperated with the UN High Commissioner for Refugees, the International Organization for Migration (IOM), and other humanitarian organizations in assisting refugees and asylum seekers.

On November 4, authorities detained eight South Africans with false passports at the Guatemala border. The individuals subsequently filed for asylum. As of November 20, they remained in jail but were being assisted by CODEH while awaiting a decision on their applications.

### 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 Liberal Party presidential candidate Jose Manuel Zelaya Rosales won in elections, which international observers considered generally free and fair. 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, and 16 women presided over congressional committees. Eight of the 15 members of the Supreme Court of Justice, including its president, were women. There were three female secretaries of state, six female vice ministers, one female general police commissioner, and five female ambassadors.

There were two Garifuna and one Lenca members of the National Congress.

#### 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 country'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 reflected that corruption was a serious problem.

Many observers argued that the considerable institutional control exercised by the country's elite created the potential for abuse of the country's institutions and democratic governance.

In April a network trafficking Cuban immigrants through the country to the United States was identified. At least 15 Cubans allegedly received fraudulent work or residency visas from the Honduran consul in Havana. In July five of the parties implicated in the scandal resigned, including the minister of migration and immigration law, the secretary general of migration, the secretary general of the Chancellery, and the consul in Havana. Investigations by the prosecutor against organized crime remained pending at year's end.

On April 7, four public prosecutors set up tents on the ground floor of the congressional building and started a hunger strike to protest alleged corruption within the government. The protest quickly gained strength with 40 participants by the end of April; the protesters called for an independent audit of the Public Ministry and the removal of Attorney General Leonidas Rosa Bautista and Adjunct Prosecutor Omar Cerna. Public prosecutors ended their 38-day strike on May 14 shortly after the National Congress passed two measures meeting many of the strikers' demands.

On August 11, a court ordered the detention of Guillermo Seamman, the former head of the Civil Aeronautical Authority, pending trial for 39 charges of abuse of authority. Seamman allegedly approved more than 39 certifications for airline employees, nationals of Peru and Venezuela, who had not completed requirements for receiving licenses and had entered the country to file the paperwork, as required by law. At year's end Seamann had been released pending trial.

There was no information available on the Supreme Accounting Tribunal's investigation into charges made in 2007 that 13 mayors misused poverty reduction funds provided by donor countries.

In August a court found the former mayor of Tegucigalpa, Oscar Acosta, guilty of fraud for buying land at an overvalued price without a public bid and in September sentenced him to four years in prison, but permitted him to pay 14,600 lempiras (approximately \$800) to cancel the sentence.

There were no known developments in the anticorruption prosecutor's investigation, which began in 2007, of the National Registry of Persons for illegally collecting money from persons for birth certificates and national identity cards.

#### 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 and, with certain notable exceptions, were usually responsive to NGO views. In practice government bureaucracy delayed the registration for some civil society organizations, including gay and lesbian advocacy groups.

On April 2, an unidentified gunman shot and killed Luis Gustavo Galeano Romero, an educator and promoter for the Tocoa, Colon, departmental delegation for the National Human Rights Commission (CONADEH). Human Rights Commissioner Ramon Custodio petitioned the Inter-American Human Rights Commission for help protecting Romero's colleagues, and the Ibero-American Ombudsman Organization called for an investigation into Romero's killing.

Throughout the year the Association for a More Just Society (ASJ) continued to receive threats. On January 31, authorities arrested Cesar Amador, an investigative police agent and former SETECH security company employee, and Ramon Solis, a SETECH employee, on charges of killing ASJ attorney Dionisio Diaz Garcia in 2006. At year's end the two were in custody awaiting trial.

The government cooperated with international organizations such as the International Committee of the Red Cross, whose representatives visited the country several 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. On June 22, Custodio warned that the country was becoming a "narcostate" and stated that there was proof that at least three drug cartels had already infiltrated the national police. 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, including systematic killing (femicides), became increasingly 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 intrafamilial violence.

The government did not enforce the law effectively with regard to domestic abuse. The Public Ministry stated that domestic violence accounted for most of the complaints it received and estimated that complaints during the year would exceed the more than 8,000 recorded in 2007. On June 4, the Public Ministry announced it was dedicating 27 prosecutors to cover the growing trend of femicides.

While announcing their campaign to bring an end to "femicides," the Center of Women's Rights and the Center for Women's Studies reported that 171 women had been killed through November 18 and that 90 percent of the deaths went unpunished.

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. There were 61 civil society NGOs grouped under the Women's Collective against Violence involved in combating violence against women.

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.

Most employed 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. By 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 2008 Household Survey, women's salaries were 87 percent of those 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 National Women's Institute 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 law provides for free, universal, and compulsory education through age 15; however, a 2008 National Institute of Statistics study estimated that 59 percent of children ages five to 18 attended some type of school or learning center, while 90 percent of those five to 12 attended school.

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.

Abuse of youth and children in poor neighborhoods and by gangs remained a serious problem. 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 (see section 1.a.).

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, lobster diving, and limestone and lime production.

On August 26, Raul Edgardo Aragon was charged with aggravated sexual assault against children. Aragon was the former administrator of the New Hope Center that takes care of at-risk youth.

In August the Education Commission of the National Congress announced an official inquiry into the sexual abuse of students by professors. There were 10 documented testimonies of these cases in the Public Ministry. On December 3, authorities arrested Professor Rene Arturo Valderramos for sexually abusing his students.

On October 31, the government distributed to the media the names of approximately 100 suspects of sexual crimes against children who 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. Year-end statistics indicated that there were approximately 36,000 gang members, many of them minors. The NGO Washington Office on Latin America estimated that gangs were

responsible for 15 percent of violent crime in the country. Gang membership was primarily confined to the Tegucigalpa and San Pedro Sula areas.

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 88 percent of street children used illegal substances, including glue inhalants and marijuana. Many street children were sexually molested or exploited. According to the UN Children's Fund, more than 2,700 children emigrated unaccompanied during the year.

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 Feed the Children operated a shelter for 40 boys in La Ceiba. Casa Alianza estimated that on average 85 to 100 formerly trafficked girls (ages 12-17) stayed at their shelters and participated in recovery programs. Casa Alianza 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 Institute of Children and the Family also housed street children and cared for approximately 2,500 children.

#### Trafficking in Persons

Although the law criminalizes trafficking in persons, there were reports that persons were trafficked from, through, and within the country.

The country was principally a source and transit country for women and children trafficked for the purpose of commercial sexual exploitation. Women and children were trafficked to Belize, El Salvador, Guatemala, Mexico, and also internally, most often from rural to urban settings. Most foreign victims trafficked into Honduras came from neighboring countries. During the year the government returned dozens of trafficking victims from Mexico and Guatemala. In the Tegucigalpa metropolitan area, an estimated several hundred children were victims of commercial sexual exploitation.

Gangs, organized crime, and human smugglers were reportedly among the principal traffickers for purposes of commercial sexual exploitation. There were reports that families sold their daughters for purposes of trafficking. On February 9, Emilio Fiallos Pina and his wife Dora Rutilia Saucedo Fiallos were arrested for allegedly selling their nine-year-old daughter to attorney Conrado Zelava Castellon for sexual exploitation.

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 100,000 to 500,000 lempiras (approximately \$5,300 to \$26,500) 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.

A reorganization in the Special Prosecutor's Office for Children in Tegucigalpa assigns antitrafficking responsibilities to one district attorney, two lawyers, three Public Ministry investigators, and two DGIC agents. In San Pedro Sula, two district attorneys cover trafficking issues, while one attorney does so in Choluteca.

The Division Against Abuse, Trafficking, and Commercial Sexual Exploitation, a unit of the criminal investigative

police, conducted detection operations throughout the country including highways, airports, ports, and hotels.

During the year, 10 sexual exploitation cases were tried in Tegucigalpa, and 48 cases remained open. There were 32 formal complaints and investigations outside of Tegucigalpa through September.

On August 26, authorities charged Juventina Alicia Cruz Barahona for trafficking an unknown number of women to Guatemala. She was convicted and sentenced to a 10-year prison term.

On November 10, Blanca Azucena Merio Amador and her daughter Gloria Floriscelda Varela Amador were arrested for selling minor girls to men for sexual exploitation. They were allegedly linked to a much larger trafficking operation. While arresting the traffickers, the authorities were able to liberate one minor girl who was being sexually exploited.

The government referred at least seven child trafficking victims to the IOM for repatriation and referred dozens of victims each month to both government- and NGO-run shelters for assistance. One child was repatriated from Guatemala and six from Mexico; one for commercial sexual exploitation and the rest for labor trafficking. In the year ending in September, Casa Alianza cared for 245 young girls rescued from sexual exploitation.

Since 2006 the government has conducted antitrafficking training for approximately 7,000 police, prosecutors, and judges and 10,000 students. The government also coordinated with NGOs and the IOM to place victims in shelters and provide them with reintegration assistance. The Intra-Institutional Task Force on Trafficking developed a protocol for Assistance to the Victims of Commercial Sexual Exploitation, while the government's Institute for the Family focused on reintegrating child victims back into their families and society.

#### 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. The illiteracy rate for persons with disabilities was estimated at 51 percent, 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.

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.

On October 10, the Honduran Association of Deaf persons marched on the Autonomous National University of Honduras to demonstrate against their exclusion from the education system, citizen participation, dignified work, and the media. The group estimated that approximately 85 percent of an estimated 75,000 local deaf persons were denied these rights.

Congresswoman Dayana Burke, a Garifuna blinded at the age of 15, was the first woman with disabilities to become a member of Congress. She advocated reform efforts for the rights of persons with disabilities.

## Indigenous People

Approximately 621,000 persons, constituting 8 percent of the general population, were members of indigenous and other ethnic groups. These groups, including the Miskitos, Tawahkas, Pech, Tolupans, Lencas, Chortis, Nahuatl, 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 persons. 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.

In March unknown actors killed two Tolupan youths, Jose Mastul and Geovanny Banegas Sevilla, who purportedly belonged to a group dedicated to reclaiming the Tolupan tribe's ancestral land. No arrests were made in the case.

On June 5, Garifuna activist Santos Feliciano Aguilar Alvares was abducted, beaten, and threatened by 10 private security guards employed by a real estate company in San Juan Tela, Atlantida Department. Immediately prior to the beating, Santos had participated in a community assembly meant to facilitate dialogue between the community and the company.

On June 23, almost 3,000 Maya-Chorti armed with stones and spears closed the Copan Ruins to protest the government's violation of the terms of their 1997 land-rights agreement, which, they claimed, provided them with only 35 percent of the land they were promised.

On September 24, armed forces personnel patrolling the Cuero y Salado wildlife preserve allegedly shot at eight Garifuna fishermen with M-16 assault rifles, killing Guillermo Morales Herrera. The Garifuna asserted that the incident illustrated a pattern of discriminatory harassment on the part of local officials acting in conjunction with business interests aimed at driving the group from their traditional lands to permit construction of industrial and hotel ventures. Authorities apprehended three of the four soldiers implicated in the killing, while the fourth fled the area. Garifuna leaders held meetings in October with military leaders who agreed to respect traditional Garifuna rights.

The government undertook minimal efforts to work with indigenous persons 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. Many NGOs indicated that hate crimes increased, particularly during political campaign season when minorities became political targets. Representatives of NGOs focusing on sexual diversity rights asserted that security forces killed and abused their members. 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 did not recognize a "transgender" category. Sexual diversity rights groups asserted that security forces, government agencies, and private employers engaged in antigay discriminatory hiring practices. These groups also reported that intimidation, fear of reprisal, and police corruption made gay and lesbian victims of abuse reluctant to file charges or proceed with prosecutions.

The government stopped requiring that, as a condition for legal registration, sexual diversity rights organizations remove any reference in their bylaws to promoting respect for the rights of gay, lesbian, or transgender persons.

In October transvestite and gay rights groups filed a complaint with the Committee on Human Rights asking that authorities remove the ban on having national identity card photographs taken with make-up and feminine accessories.

There were multiple killings or attacks on persons presumably because of their sexual orientation. The sexual diversity rights organization, Lesbian-Gay Rainbow Association of Comayaguela, asserted that between January and March, unknown actors killed seven homosexuals because of their sexuality and that a number of gay persons had fled the country out of fear of social and security-force persecution. On October 30, an attacker killed Yasmin, a transgender sex worker in Comayaguela, and the following day an attacker shot Bibi, another transgender sex worker, in the center of Comayaguela. On December 18, a transgender sex worker, Cynthia Nicole, was attacked by three men with pipes and clubs after hailing a cab in Comayaguela.

In March 2007 police beat and detained Donny Reyes, the treasurer of the Lesbian-Gay Rainbow Association of Comayaguela. Police then reportedly jailed Reyes in a cell with 57 gang members who raped and beat him. The only witness to Reyes's initial arrest was killed in October 2007. Reyes filed a formal complaint, which at the urging of the Supreme Court, Internal Affairs investigated. The investigation concluded that, while Reyes had many of the symptoms of being raped, it could not definitively determine it took place during his detention. During the course of the investigation, the offices of the Lesbian-Gay Rainbow Association offices were burglarized, and all archives and computers were stolen. Internal Affairs cited five policemen, Nelson Daniel Gaitan Sosa, Hill Lainez Nunez, Walker Josue Reyes, Denis Esau Cruz Varela, and Walter Cruz Espina, for dereliction of duty.

There was no reported societal violence or discrimination against person with HIV/AIDS.

On October 17, unknown assailants killed two youths associated with the punk subculture "Emo."

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, but in practice workers exercised

this right with difficulty. 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 MOL statistics, there were 519 unions representing approximately 8 percent of the work force, excluding the agriculture sector, and as of July approximately 13 percent of the 133,000 apparel assembly workforce 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.

Union leaders were occasionally subjected to violence and threats. On May 23, Julio Paz killed Israel Garcia, leader of the National Association of Honduran Farmworkers (ANACH) labor group. The killing was motivated by a National Agrarian Institute land-use ruling favorable to ANACH.

On April 23, unknown masked assailants shot to death Altagracia Fuentes, secretary general for the Honduran Workers' Federation, and two companions, labor leader Yolanda Sanchez, and their driver, Juan Bautista Aceituno. On May 17, Maynor Celin Hernandez Matute, a suspect in the shooting, was arrested on an unrelated robbery charge. In April the homicide prosecutor's office issued a warrant for the arrest of 11 car-theft gang members for the killing of Altagracia Fuentes and her companions. Gang members were arrested and charged with the killing and attempted robbery. Despite these arrests circumstantial evidence suggested that organized crime or nefarious elements within the labor movement committed the killing.

The law provides for the right to strike, and workers exercised this right in practice. 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 International Labor Organization (ILO) criticized the law's denial of the right to strike to workers in the petroleum sector and to government workers, other than employees of state-owned enterprises. Although civil servants occasionally engaged in illegal work stoppages without experiencing reprisals, the MOL has the power to declare the protest illegal 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.

In September a teachers strike over back wages paralyzed the school system and accounted for a loss of more than 40 school days ending early October.

#### 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.

Although the law prohibits employer retribution for engaging in trade union activity, it 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 MOL 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 government did not allocate adequate resources to the Ministry of Labor (MOL) for labor inspectors to perform their duties. 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 March the original members of the SitraFHIA union were fired without reason and then reinstated by Honduran Foundation for Agricultural Investment (FHIA). In the following months, 13 more unionists were similarly dismissed without cause while the SitraFHIA awaited official registration with the MOL. In July SitraFHIA received official registration. In October SitraFHIA was broken by FHIA management with nine of the last affiliates remaining on October 1, leaving only the president and two members. FHIA allegedly paid the affiliates to renounce union membership and return under new nonunion contracts.

On February 8, 60 unionists of the Alcoa Factory were unlawfully dismissed. The workers were eventually reinstated and given their back pay. In July Alcoa Inc. announced it would cease operations at maquila plants in El Progreso and Choloma, and on August 22, Alcoa closed those plants and dismissed all 1,800 workers. On September 12, the Alcoa plant union leader, Lorna Jackson, received death threats in the form of text messages and was shot at by two unidentified men. At year's end Jackson remained in hiding, and a Public Ministry investigation continued.

On May 12, Honduran Women's Collective filed a report citing the Productos San Jose textile factory in San Pedro Sula for human rights and labor law violations; it outlined a systematic covering up of work-related health and injury reports.

In October Jerzees Choloma, a local subsidiary of Fruit of the Loom, closed its plant four months after the plant's union received its official registry from the MOL in July. Earlier in the year, workers were fired from Jerzees Choloma without reason. In October SITRAJERZEES, the newly registered union at the SitraJerzees Plant in Choloma, was in the midst of its first collective bargaining negotiations when management broke off negotiations and declared that the plant would close within six months. Workers alleged that management had made more than 100 threats to union members, indicating the plant would close if the union was formed.

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; however, there were reports of

trafficking in children for commercial sexual exploitation and of child prostitution. Human rights organizations frequently reported that, in the private security and household sectors, workers were typically obliged to work more than 60 hours a week and only earn the legal limit of 44 hours.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law regulates child labor and provides that minors between the ages of 14 to 18 cannot work unless authorities determine that the work is indispensable for the family's income and will not conflict with schooling. The constitution and the law establish the maximum work hours for children under age 18 as six hours daily and 30 hours weekly. Parents or a legal guardian can request special permission from the MOL 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. Through September the MOL had authorized 36 child workers and conducted 28 home visits.

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 MOL did not effectively enforce child labor laws outside the apparel assembly sector, and there were frequent violations of the child labor laws. The ILO expressed concern about the government's decision to appoint child labor inspectors only to offices in Tegucigalpa and San Pedro Sula and requested that it comply with the legislative requirement to conduct child labor inspections, even by using nonspecialized labor inspectors.

Census results issued in May by the National Statistics Institute reported that 13 percent of children ages five to 17 worked, of whom 76 percent were boys; 74 percent of child labor occurred in rural areas. The average monthly wage of a child worker in an urban zone was 2,199 lempira (approximately \$115), compared with 1,471 lempira (\$78) in rural areas.

Most working children were employed in agriculture (56 percent); others engaged in commercial activities (18 percent), manufacturing (9 percent), and services (8 percent). Children often worked harvesting melons, coffee, and sugarcane or rummaging at garbage dumps; working in the forestry, hunting, and fishing sectors; and working as deckhands and divers in the lobster industry. Children also peddled goods such as fruit, begged, washed cars, and hauled loads. Some were employed in limestone and lime production. Children, predominantly girls, also worked as domestic servants, where they were sometimes subject to maltreatment by third-party employers. Many children worked out of economic necessity alongside other family members.

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.

e. Acceptable Conditions of Work

On December 26, the government announced an 11 percent general increase in the minimum wage to 5,500 lempira (approximately \$290) per month to be effective January 1, 2009. The increase put the private sector minimum wage (not including agriculture) on par with the public sector minimum wage. In the agricultural sector, employers often did not pay the minimum wage.

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 55 lempiras (approximately \$2.88) for unskilled labor and 135 lempiras (\$7.13) for workers in financial and insurance companies.

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 MOL. There were credible allegations of compulsory overtime at apparel assembly factories (particularly for women, who comprised approximately 65 percent of that sector's workforce), in the private security sector, and among household workers. Foreign workers enjoyed equal protection under the law.

The MOL is 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 complained to the authorities about working conditions. The NGO Honduran Women's Collective reported that large numbers of apparel assembly workers had back, neck, and carpal tunnel syndrome as well as respiratory (including tuberculosis), digestive, and skin diseases. These health problems were attributed to air contaminated by fine dust and fabric fuzz, noise, lack of ventilation, lack of protective equipment, and extreme temperatures.

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