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## FREEDOM IN THE WORLD

# Honduras

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### OVERVIEW:

Honduras continued in 2012 to struggle with the legacy of the 2009 coup that overthrew President José Manuel Zelaya. Human rights violations and crime rates increased during the year, making Honduras the most violent country in the world. The September murder of prominent human rights attorney Antonio Trejo Cabrera has been linked to wealthy landowner and coup supporter Miguel Facussé. A constitutional crisis erupted at the end of the year when Congress voted to remove four Supreme Court justices over disputes on rulings related to two pieces of legislation, including one on purging the national police.

The Republic of Honduras was established in 1839. The country endured decades of military rule and intermittent elected governments, with the last military regime giving way to civilian authorities in 1982. However, the military remained powerful in subsequent decades; the first president to exercise his constitutional authority to veto the military and choose its leaders did so in 1999.

Under civilian rule, power alternated between the Liberal Party (PL) and the National Party (PN). In the 2005 presidential election, José Manuel Zelaya of the PL defeated the PN's Porfirio Lobo. The run-up to the balloting was marred by political violence that left several PL supporters injured and at least two dead. Political polarization increased under Zelaya's administration amid poor policy performance and faltering public institutions. The president deepened the country's political divisions, including within his own party, and pitted factions of the political and business elite against one another through increasingly populist posturing.

Zelaya was removed from power and forcibly deported in a coup on June 28, 2009, after he attempted to hold a nonbinding referendum to gauge support for an overhaul of the constitution. His opponents interpreted the proposal as a power grab, as it included the elimination of presidential term limits, though the constitutional reform process would have begun after the end of his nonrenewable four-year term in 2010. Both the Supreme Court and the military participated in the coup. Roberto Micheletti of the PL, the president of Congress, was named acting president after the legislature accepted a forged resignation letter from Zelaya. The international community condemned the coup and continued to recognize Zelaya as the legitimate president.

In September 2009, Micheletti issued an executive decree that effectively curtailed civil and political liberties, banning all public meetings and granting police new powers of detention, which effectively permitted security forces to act without regard for human rights or the rule of law. Public demonstrations supporting Zelaya's reinstatement were violently suppressed, resulting in the deaths of several protesters. Media outlets and journalists faced harassment, threats, power outages, and blocked transmissions; authorities also temporarily closed radio and television stations. Civil society organizations and human rights

## 2013 SCORES

STATUS

# Partly Free

FREEDOM RATING

# 4.0

CIVIL LIBERTIES

# 4

POLITICAL RIGHTS

# 4

defenders encountered harassment, including increased surveillance, threats, and physical assaults. Micheletti reversed his decree under international pressure, though many of the abuses continued.

The international community pressed for negotiations aimed at reinstating Zelaya and allowing him to serve out his legal term; many countries warned that they would not recognize the national elections scheduled for November 2009 if the coup leaders refused to comply. Nevertheless, the de facto authorities pressed ahead with the elections. Lobo won the presidency with 56 percent of the vote, defeating Zelaya's vice president, Elvin Santos Lozano of the PL. The PN captured 71 seats in Congress, followed by the PL with 45, and three smaller parties took the remainder.

Lobo was inaugurated in January 2010, though the new government made little progress toward restoring the rule of law as violent crime and human rights violations continued. Four lower-court judges who challenged the legality of the coup in 2009 were dismissed from their posts in May 2010. Also that month, a Truth and Reconciliation Commission charged with leading an impartial investigation into the events surrounding the coup began operating, though it received little institutional support.

In April 2011, the presidents of Colombia and Venezuela sponsored talks to resolve the political crisis. In May, corruption charges against Zelaya were dropped, and both he and Lobo signed the Cartagena Accords, which guaranteed Zelaya's safety and freedom upon his return to Honduras. The agreement also paved the way for Zelaya's organization, the National Front for Popular Resistance, to register as a political party, and reaffirmed the right of citizens to modify the constitution through referendums. In June, the Organization of American States (OAS) voted to readmit Honduras as a member.

The Truth and Reconciliation Commission issued its report in July 2011, finding that Zelaya's removal from office constituted an illegal coup, that Congress had no means by which to remove a sitting president, that the interim government was illegal, and that the military used disproportionate force that resulted in at least a dozen deaths following the coup. The commission also stated that Zelaya shared blame for instigating the crisis with his push for a referendum, and that the international community, and the OAS in particular, failed to stop or reverse the coup. The report contained dozens of recommendations for strengthening the rule of law, including the creation of a constitutional court and the development of clear legal procedures for political trials.

In October 2011, the Supreme Court overwhelmingly ruled against the prosecution of six army generals who had been charged with overthrowing Zelaya and transferring him to Costa Rica. The decision made it unlikely that any coup participants would be charged.

The conflict over fertile land in the Bajo Aguán region in northern Honduras intensified in 2012 as peasants, private security forces of landowners, and state forces clashed over land. More than 50 people, most of them landless peasants, have died in the conflict since 2009. In September 2012, prominent human rights attorney Antonio Trejo Cabrera was murdered shortly before he was to testify before the Inter-American Commission on Human Rights in Washington, D.C. regarding abuses committed by the landowners in the conflict. Wealthy landowner Miguel Facussé, who is the uncle of former president Carlos Facussé and a major supporter of the 2009 coup, has reportedly been linked to Trejo's murder.

A constitutional crisis erupted in December 2012, when Congress illegally voted to remove four of the five Supreme Court justices. Their dismissals followed two decisions on the constitutionality of legislation approved by the National Congress, one regarding private cities and the other related to procedures for purging the national police. The crisis continued at year's end.

## **POLITICAL RIGHTS AND CIVIL LIBERTIES:**

Honduras is not an electoral democracy. General elections were held in November 2009, and the voting itself was largely considered to have met

international standards. However, the elections were overseen by an interim government established after President José Manuel Zelaya was forcibly removed by the military in a June 2009 coup, and they took place in a climate of severely compromised civil liberties. The president is elected by popular vote for a single four-year term. Members of the 128-seat, unicameral National Congress are also elected for four-year terms. The proportion of the votes received by a party's presidential candidate determines its representation in the National Congress. The military has long exerted considerable influence over civilian governments.

Corruption continues to dominate the political scene. Army officers have been found guilty of involvement in drug trafficking and other crimes. A 2006 transparency law was marred by claims that it contained amendments designed to protect corrupt politicians. However, the Institute for Access to Public Information has made efforts to enforce transparency rules and punish entities that fail to respond properly to information requests. Honduras was ranked 133 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Since the 2009 coup, authorities have systematically violated the constitution's press freedom guarantees. Numerous radio and television stations reported continued harassment in 2012, including police surveillance, as well as assaults, threats, blocked transmissions, and power outages. In 2012, Reporters Without Borders named Miguel Facussé as the most serious threat to press freedom in Honduras; Facussé reportedly uses his private security forces to bully journalists whose work threatens his or the government's interests. Honduras is considered the second most dangerous country in the world for journalists, with 26 killed since the 2009 coup, including several known Zelaya supporters. The government has reacted with silence or dismissal of the cases as routine street crime. Media ownership is concentrated in the hands of a few powerful business interests, and many journalists practice self-censorship, particularly since the coup. Internet use is generally unrestricted, but access was impaired following the coup by multiple politically-motivated power outages and cuts in telephone service.

Freedom of religion is generally respected. Academic freedom is also usually honored, but scholars have faced pressure to support the privatization of the national university.

Constitutional guarantees of freedoms of assembly and association have not been consistently upheld. In addition to the violent suppression of peaceful demonstrations in 2009, police were accused of using excessive force during confrontations with striking and demonstrating teachers in August 2010 and March 2011. The 2006 Citizen Participation Law protects the role of civil society groups and individuals in the democratic process. However, human rights defenders and political activists continued to face significant threats following the coup, including harassment, surveillance, and detentions, as well as the murder of a number of coup opponents. Labor unions are well organized and can strike, but labor actions often result in clashes with security forces. In March 2012, the American Federation of Labor-Congress of Industrial Organizations filed a complaint with the U.S. Department of Labor, charging that the Honduran government had violated Central American Free Trade Agreement labor provisions, competing unfairly and violating workers' rights.

The judicial system is weak and inefficient, and there are significant tensions between the national police, the prosecutor's office, and the Ministry of Justice and Human Rights. Business elites exert excessive influence over the Supreme Court and its decisions. Approximately 80 percent of crimes committed in Honduras are never reported, according to the government, and only 3.8 percent of reported crimes are investigated by police. The vast majority of inmates are awaiting trial, prison conditions are harsh, and the facilities are notoriously overcrowded. In February 2012, a prison fire in Comayagua killed an estimated 360 inmates, nearly 60 percent of whom had not been charged or convicted of any crime. There is an official human rights ombudsman, but critics claim that the office's work is politicized. The ombudsman not only supported and justified the 2009 coup, but has also publicly declared his opposition to the Truth and Reconciliation Commission. As many as 74 lawyers have been murdered since the coup. In September 2012, Manuel Eduardo Díaz Mazariegos, human rights

prosecutor in Choluteca, was murdered near his office.

Honduras had the highest murder rate in the world in 2012. In October, the UN Office on Drugs and Crime reported a homicide rate of 86 per 100,000 inhabitants. Most murders are attributed to organized crime, including transnational youth gangs and Mexican drug-trafficking syndicates. The government has made membership in a gang punishable by up to 12 years in prison and uses the military to help maintain order. However, police officers and other vigilantes have committed extrajudicial killings, arbitrary arrests, and illegal searches. Hundreds of juveniles have reportedly been killed in “social cleansing” campaigns. Police corruption has been a major impediment to fighting crime and maintaining citizen security. In May 2012, President Porfirio Lobo appointed Juan Carlos Bonilla as police chief. Bonilla, who himself was alleged to have participated in police death squad activities, initiated a widespread purge of corrupt officers.

The country’s growing crime rate has increased concerns about further limitations on civil liberties. In 2011, the detention of criminal suspects was extended from 24 to 48 hours, and a new wiretapping bill was passed, both despite protests from Minister of Justice and Human Rights Ana Pineda. President Lobo and key military officials have suggested reforms that would abolish the Ministry of Security and place the police under the Defense Ministry, potentially exacerbating the existing overlap between police and military functions.

Indigenous and Afro-Honduran residents have faced various abuses by property developers and their allies in recent years, including corrupt titling processes and acts of violence. In February 2011, a special unit was established in the Attorney General’s office to investigate crimes against the LGBT (lesbian, gay, bisexual, and transgender) community, and a new Sexual Diversity Unit was established in the police force to investigate crimes committed against them. More than 70 LGBT activists have been murdered since the 2009 coup.

Violence against women is a serious problem, and the female murder rate has risen dramatically in recent years. These murders, like most homicides in Honduras, go unpunished. Women remain vulnerable to exploitation by employers, particularly in the low-wage *maquiladora* (assembly plant) export sector. Child labor is a problem in rural areas and in the informal economy, and school dropout rates are high. A May 2012 anti-trafficking law established new penalties for forced labor and prostitution of adults.

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